

STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

Book III—Part 1

EVENTS FOLLOWING
THE WATERGATE BREAK-IN

June 20, 1972–March 22, 1973



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FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

Fifteen notebooks were furnished to the Members of the Committee relating to the Watergate break-in on June 17, 1972 and to events following the break-in, through April 30, 1973. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The fifteen volumes relating to the Watergate phase of the Inquiry were divided into four books, as follows:

Book I - Events Prior to the Watergate Break-In
12/2/71 - 6/17/72

Book II - Events Following the Watergate Break-In
6/17/72 - 2/9/73

Book III - Events Following the Watergate Break-In
6/20/72 - 3/22/73

Book IV - Events Following the Watergate Break-In
3/22/73 - 4/30/73

Book I dealt with events prior to the Watergate break-in. Book II dealt with allegations involving Presidential interference with the official Department of Justice investigation. Book III dealt with allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the instigating or making of false statements to persons connected with an official investigation of Watergate; Book III also included a chronology of events between February 9 and March 22, 1973. Book IV dealt with events relating to the President's investigation of the Watergate break-in and alleged cover-up between March 22 and April 30, 1973.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of

these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue four subpoenas to President Richard Nixon requiring tape recordings of 98 Presidential conversations as well as all papers and things prepared by, sent to, received by, or at any time contained in the files of H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III, and Gordon Strachan to the extent that such papers or things related or referred directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

The Committee also subpoenaed the President's daily diaries (logs of Presidential meetings, telephone calls, and other activities) for the periods April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

In response to these subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the

required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

- 1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial,
- 2) Because the information was classified or otherwise required confidential treatment,
- 3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,
- 4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

Pete W. Rind

July 1974

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NOTE: Book III is published in two parts. Part 1 contains the entire statement of information and supporting evidentiary material for paragraphs 1-47. Part 2 contains copies of paragraphs 48-75, and the supporting evidentiary material for those paragraphs.

INTRODUCTORY NOTE

The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee, much of which was already on the public record.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.

In a few instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJC" for Senate Judiciary Committee; and "HJC" for House Judiciary Committee.

STATEMENT OF INFORMATION

EVENTS FOLLOWING
THE WATERGATE BREAK-IN
June 20, 1972 - March 22, 1973

Part 1

1. On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that certain persons involved in Watergate previously had been involved in operations of the White House "Plumbers" unit, specifically entering the offices of Daniel Ellsberg's psychiatrist and making ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded evidence relating to the Watergate break-in. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

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2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

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3. During the week after the break-in at the DNC, Jeb Magruder told Hugh Sloan that Sloan might have to perjure himself regarding his payments to Gordon Liddy prior to the break-in. Magruder told Sloan that Sloan would have to say that he had given only approximately \$75,000 to \$80,000 to Gordon Liddy. Sloan had in fact given Liddy approximately \$199,000.

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4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.

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5. On June 23, 1972 Mitchell, Mardian, LaRue and Dean attended a meeting in Mitchell's CRP office. Mardian raised the possibility that since the persons arrested were former CIA people the CIA should take care of its own in furnishing their bail money. It was suggested that Dean determine if CIA assistance could be obtained. Mitchell has testified that to his best recollection the concept of the CIA's providing funds was not discussed in his presence.

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6. On or before June 26, 1972 John Ehrlichman told CIA Deputy Director Vernon Walters that John Dean would be Walters' White House contact on matters affecting Watergate. On June 26 or 27, 1972 Dean met with Walters and discussed the possibility of using the CIA to provide funds for the bail and salaries of persons involved in the break-in at the DNC headquarters. Walters rejected the suggestion. On the morning of June 28, 1972 Dean repeated the suggestion to Walters that the CIA assist the persons arrested. Walters again rejected the suggestion.

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7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from \$50,000 to \$100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

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8. On or about June 28, 1972 Magruder met with Herbert Porter, who was in charge of the CRP surrogate speakers program, and asked Porter to corroborate to the FBI a false story that CRP had paid Liddy \$100,000 to conduct lawful intelligence projects to prevent disruption of campaign speeches by radical groups. Porter agreed to repeat the false story to FBI agents. Porter has testified that he felt a deep sense of loyalty to the President and was appealed to on this basis.

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9. On June 29, 1972, after Kalmbach agreed to undertake the fund-raising assignment, he telephoned Maurice Stans and told him he needed from \$50,000 to \$100,000 for an important and confidential White House assignment. Later that day Stans delivered \$75,000 in \$100 bills to Kalmbach in Kalmbach's hotel room. The next day Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House. Kalmbach told him that the funds were for the Watergate defendants, that the payments would be in absolute secrecy and that contact between Kalmbach and Ulasewicz would be from phone booths using alias names.

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10. On or about June 29, 1972 LaRue met Kalmbach in Kalmbach's hotel room. Kalmbach advised LaRue of the nature of his assignment to provide financial support for the Watergate defendants. They discussed the method whereby the defendants could be contacted, how the amount of money needed could be determined, the man who would make the contacts (Ulasewicz, alias Mr. Rivers) and a code name to be used for contacts between Kalmbach and LaRue (i.e., Mr. Bradford). They determined that the contacts with the defendants should be made through the defendants' attorneys.

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11. In early July 1972 the President met with John Ehrlichman. Ehrlichman has testified that they discussed executive clemency with respect to those who might be indicted in connection with the break-in at the DNC headquarters, and that the President told him that he wanted no one in the White House to get into the area of executive clemency with anyone involved in the Watergate case and that no assurances of executive clemency should be made to anyone. At the time of this discussion with Ehrlichman, the President was aware that Howard Hunt had "surfaced" in connection with the Watergate break-in and was a former member of the Special Investigations Unit in the White House (the "Plumbers"). The President was concerned that the FBI investigation of the break-in not expose the activities of that unit.

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12. In or about July 1972 and at other times subsequently, John Dean told H. R. Haldeman that CRP was raising funds for those involved in the break-in at the DNC headquarters.

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13. On July 5, 1972 John Mitchell was interviewed by agents of the FBI and stated to them that he had no knowledge of the break-in at the DNC headquarters other than what he had read in newspaper accounts of that incident. Mitchell has testified that prior to the time he was interviewed by the FBI he received a report from Robert Mardian and Fred LaRue of a conversation they had with Gordon Liddy in which Liddy described his role in the Watergate break-in; but he was not sure this information was correct when he was interviewed by the FBI on July 5, 1972 and he was not volunteering any information under any circumstances.

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14. On or about July 7, 1972 after several unsuccessful efforts by Ulasewicz to deliver funds for the Watergate defendants to attorneys, and after telephone conversations among Kalmbach, LaRue and Dean, instructions were given by Kalmbach to Ulasewicz to contact Howard Hunt's attorney, William Bittman. After that contact was made and after approval by Kalmbach of a \$25,000 payment, Ulasewicz delivered \$25,000 to Bittman by placing an unmarked envelope containing the money on a shelf in the lobby of Bittman's office building.

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16. On July 19, 1972 Porter falsely stated to FBI agents that the funds he had paid Liddy were for the purpose of conducting lawful political activities.

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17. On July 20, 1972 Magruder falsely stated to FBI agents that he had authorized Sloan to permit Liddy to spend up to \$250,000 to gather intelligence information for use in attempting to prevent disruption at the convention and at speeches by surrogate celebrities and political figures. Magruder has testified that he had volunteered at one point "to take the heat" but that the decision was that if it got to him it would go higher.

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18. On July 19, 1972 Herbert Kalmbach met with Dean and LaRue in Dean's EOB office. At that meeting, LaRue, in Dean's presence, delivered cash to Kalmbach for use in meeting the commitments to the Watergate defendants. That evening Kalmbach delivered this cash to Ulasewicz in a hotel room in New York City. The amount of this cash is uncertain, being reported as \$20,000 by LaRue and as \$40,000 by Kalmbach. On or about July 20, 1972 Kalmbach was asked by either Dean or LaRue to raise from outside contributors additional funds for the Watergate defendants. On July 27, 1972 Kalmbach received another \$30,000 from LaRue in LaRue's CRP office. These payments to Kalmbach were made by LaRue out of \$81,000 in cash he had received from Stans and Sloan early in July, when Stans decided that it would be unwise to retain such a cash sum in FCRP custody.

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19. On or about July 26, 1972 Herbert Kalmbach met with John Ehrlichman in Ehrlichman's office. Kalmbach has testified to the following regarding that meeting: Ehrlichman assured Kalmbach that it was necessary and legally proper for Kalmbach to continue secretly to raise and provide funds for the persons involved in the break-in at the DNC headquarters; Kalmbach asked Ehrlichman to assure him that Dean had authority to direct him in this assignment, and Ehrlichman stated that Dean had that authority, that it was a legally proper project and that Kalmbach was to go forward with it; Kalmbach requested the meeting because he had become concerned whether the secret payments operation he was conducting with Ulasewicz was a legally proper activity, whether Dean had authority to have Kalmbach undertake that assignment, and whether the operation should be continued; and Kalmbach received the desired reassurance from Ehrlichman. Ehrlichman has testified that he did not give assurances to Kalmbach. On April 19, 1973, just prior to Kalmbach's testifying before the Watergate Grand Jury, he and Ehrlichman discussed by telephone their July 26, 1972 conference. Ehrlichman tape recorded that conversation.

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20. On or about August 5, 1972 Kalmbach met in California with Thomas Jones, Chairman of Northrop Corporation, who previously had contributed and had offered to provide additional funds for the President's campaign. At that meeting Jones delivered to Kalmbach a wrapped package of cash (\$50,000 according to Jones, and \$75,000 according to Kalmbach). Shortly thereafter Ulasewicz came to California and Kalmbach covertly delivered \$75,000 in cash to Ulasewicz for the Watergate defendants. Kalmbach has testified that a few days thereafter he advised Ehrlichman that in connection with his assignment he had raised \$75,000. Ehrlichman has testified that he places this conversation with Kalmbach in April 1973 rather than August 1972.

In August 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. or Mrs. Howard Hunt (\$43,000 and \$18,000) by placing unmarked envelopes containing the money in lockers at Washington National Airport.

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21. On August 10, 1972 Herbert Porter testified falsely before the Watergate Grand Jury that the money he had paid Liddy prior to the Watergate break-in was for the purpose of obtaining information regarding plans by radical groups to disrupt political rallies.

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22. On August 18, 1972 Jeb Magruder testified falsely before the Watergate Grand Jury that CRP had paid Gordon Liddy to conduct lawful intelligence projects. Magruder has testified that he felt it important that the story of the Watergate break-in did not come out in its true form, and he volunteered to work on the cover-up story. Prior to his grand jury testimony Magruder met at different times with John Mitchell and John Dean. Magruder has testified that Dean, Mitchell and others helped prepare him for his grand jury appearance. Mitchell has testified that he attended a meeting with Magruder and others where Magruder outlined the nature of the testimony that he was going to give. Dean has testified that he informed H. R. Haldeman and John Ehrlichman about Magruder's proposed story and Herbert Porter's proposed corroboration of it. Ehrlichman has denied that he was so advised. Magruder has testified that his reason for testifying falsely was that "if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I honestly thought that his [the President's] re-election would be probably negated."

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22.1 Jeb Magruder testimony, 2 SSC 801-03, 816.....	298
22.2 John Mitchell testimony, 4 SSC 1643-44.....	302
22.3 John Mitchell testimony, 5 SSC 1896-97.....	304
22.4 John Mitchell log, August 17, 1972 (received from SSC).....	306
22.5 John Dean testimony, 3 SSC 952.....	307
22.6 John Ehrlichman testimony, 7 SSC 2845-46.....	308

23. On August 28, 1972 Egil Krogh, an assistant to Ehrlichman who had established the Plumbers organization (the White House Special Investigations Unit) appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled to any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

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23.1 <u>United States v. Krogh</u> indictment, October 11, 1973.....	312
23.2 <u>United States v. Krogh</u> information, November 30, 1973.....	316
23.3 <u>United States v. Krogh</u> docket.....	320
23.4 Presidential announcement, November 4, 1969, 5 Presidential Documents 1556-57.....	322
23.5 Egil Krogh testimony, Senate Commerce Committee, Krogh Nomination Hearings, January 11, 1973, 72-73.....	324

24. In the summer of 1972 Dwight Chapin, the President's appointments secretary, met with Donald Segretti. Segretti, whom Chapin had employed to disrupt the campaigns of candidates for the Democratic presidential nomination, had previously been questioned by the grand jury investigating the Watergate break-in and by the FBI. Segretti has testified:

Mr. Chapin told me to cease all activities. I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over. Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems, with the FBI and the grand jury appearance . . .

The amount involved was several thousand dollars. They also discussed the possibility of Chapin's finding Segretti a job.

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24.1	Memorandum from Dwight Chapin, November 5, 1972, Exhibit 32, <u>United States v. Chapin</u> transcript, April 3, 1974, 424-31.....	328
24.2	Donald Segretti testimony, <u>United States v. Chapin</u> , April 2, 1974, 338-40.....	336
24.3	Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 540, 543.....	339

25. On or about September 12 or 13, 1972, at 12:00 noon, John Mitchell, John Dean and Jeb Magruder met. Magruder outlined the false story he was planning to give before the Watergate Grand Jury regarding the meetings among Mitchell, Magruder, Dean and Gordon Liddy in January and February 1972 at which political intelligence and electronic surveillance had been discussed. Mitchell did not express any disagreement. Thereafter, Magruder appeared before the grand jury and testified falsely.

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25.4 John Mitchell log, September 13, 1972 (received from SSC).....	348
25.5 Jeb Magruder calendar, September 13, 1972 (received from SSC).....	349
25.6 <u>United States v. Magruder</u> information, August 16, 1973.....	350
25.7 Jeb Magruder guilty plea, August 16, 1973, <u>United States v. Magruder</u> transcript, 14.....	352

26. On September 14, 1972 John Mitchell testified before the Watergate Grand Jury that he had no prior knowledge of illegal CRP political intelligence operations or of Gordon Liddy's political intelligence gathering activities.

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26.1 United States v. Mitchell indictment, March 1,
1974, 1, 18-19.....354

27. On September 15, 1972 Gordon Liddy, Howard Hunt and the five persons arrested in the DNC Watergate offices were indicted for several offenses including burglary, unlawful entry for the purpose of intercepting oral and wire communications, and conspiracy.

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27.1 United States v. Liddy indictment, September 15,
1972, 1-10.....358

28. On September 15, 1972 John Dean met with the President and H. R. Haldeman. They discussed the Watergate investigations and the indictment returned earlier that day. The President discussed with Haldeman and Dean the way Dean had handled the matter. The President said:

Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you - putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

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28.1 House Judiciary Committee transcript of tape recording of meeting among the President, H. R. Haldeman and John Dean on September 15, 1972, 7.....370

29. On September 17 or 18, 1972 Kalmbach was directed by Dean or LaRue to deliver \$53,500 to Mrs. Howard Hunt for the benefit of the Watergate defendants and to deliver the remainder of the funds he had received to LaRue. On September 19, 1972, after having been directed by Kalmbach to make these deliveries, Ulasewicz delivered \$53,500 to Mrs. Hunt by placing the cash in an unmarked envelope in a locker at the Washington National Airport, and delivered \$29,900 to LaRue by placing the cash in an unmarked envelope on a shelf in the lobby of a Howard Johnson's Hotel near LaRue's residence. On September 21, 1972 Kalmbach, LaRue, and Dean met in Dean's office to reconcile Kalmbach's and LaRue's records of Kalmbach's disbursements of the funds he had obtained from Stans, LaRue and Jones. These records showed that as of September 21, 1972 Kalmbach had disbursed \$187,500 for the benefit of the seven defendants and \$29,900 to LaRue. Kalmbach said that he did not wish to continue his role concerning the payments to the defendants. At the end of the meeting, Kalmbach burned his records in an ashtray on Dean's desk.

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29.1 Anthony Ulasewicz testimony, 6 SSC 2231-32, 2244.....	374
29.2 Herbert Kalmbach testimony, 5 SSC 2110-11.....	378
29.3 Fred LaRue testimony, 6 SSC 2992-93.....	380
29.4 John Dean testimony, Watergate Grand Jury, November 19, 1973, 102 (received from Watergate Grand Jury).....	382
29.5 Memorandum to William O. Bittman from Dorothy Hunt, September 19, 1972 (received from SSC).....	383

30. In October 1972 CRP attorney Kenneth Parkinson told Fred LaRue and John Dean that William Bittman, Hunt's attorney, needed additional money for legal fees. Using the alias "Mr. Baker," LaRue contacted Bittman and caused cash (\$25,000 or \$20,000) to be delivered to Bittman's office. The package was received at Bittman's office in Hunt's presence. LaRue has testified that he understood the money was for legal fees for Bittman.

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30.1 Fred LaRue testimony, 6 SSC 2293-94.....	386
30.2 E. Howard Hunt testimony, SSC Executive Session, September 11, 1973, 213-14.....	388

31. On November 10, 1972 John Dean met with Donald Segretti in Palm Springs, California. Dean taped a conversation in which Segretti described his disruption of the campaigns of candidates for the Democratic presidential nomination during the period he was employed by Dwight Chapin. On November 11, 1972 Dean was called from Palm Springs to Key Biscayne, Florida where H. R. Haldeman and John Ehrlichman had accompanied the President. Dean flew to Florida and reported on Segretti to Haldeman and Ehrlichman. Segretti has testified that in mid-November 1972 Dean offered him a position in Montego Bay, Jamaica, at a salary of about \$35,000 per year.

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31.1 John Dean testimony, 3 SSC 965-66.....	392
31.2 Donald Segretti testimony, 10 SSC 3984-85, 4018, 4052.....	394
31.3 John Ehrlichman testimony, 7 SSC 2760, 2803.....	398
31.4 <u>United States v. Segretti</u> indictment, September 27, 1973, 1-4.....	400

32. In November 1972 Howard Hunt telephoned Charles Colson. Colson recorded the conversation. Hunt discussed with Colson the need to make additional payments for the defendants in United States v. Liddy.

Hunt said:

[T]his is a long haul thing and the stakes are very, very high and I thought that you would want to know that this thing must not break apart for foolish reasons

We're protecting the guys who are really responsible . . . but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Colson gave a tape recording of the conversation to John Dean. Dean has testified that on or about November 15, 1972 he met with John Ehrlichman and H. R. Haldeman at Camp David, Maryland and played the recording for them. Ehrlichman has testified that he does not recall ever hearing the recording. Dean also has testified that immediately after the meeting at Camp David, he met with John Mitchell regarding the defendants' money demands and played the recording for him.

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32.1	Transcript of tape recorded conversation between E. Howard Hunt and Charles Colson, November, 1972, SSC Exhibit No. 152, 9 SSC 3888-91.....	407
32.2	E. Howard Hunt testimony, 9 SSC 3694-95.....	411
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32.6	John Mitchell testimony, 4 SSC 1630.....	421
32.7	John Mitchell testimony, 5 SSC 1862.....	422
32.8	John Mitchell log, November 15, 1972 (received from SSC).....	423

33. On or about December 1, 1972 William Bittman, Howard Hunt's attorney, gave a folded paper to CRP attorney Kenneth Parkinson. Parkinson gave it to John Dean and to Fred LaRue. In or around early December 1972 Dean had a discussion with Haldeman about CRP's need for funds for the defendants in United States v. Liddy, during which Haldeman approved the transfer to CRP of a cash fund of \$350,000 in campaign contributions which had been placed at the disposal of the White House at Haldeman's direction prior to April 7, 1972. The first portion of between \$40,000 and \$70,000 was delivered by Haldeman's assistant Gordon Strachan to LaRue. Shortly thereafter LaRue delivered \$40,000 to Bittman by messenger. In January 1973 the remaining \$280,000 was delivered to LaRue. In January 1973 FCRP Director Maurice Stans approved the transfer of \$14,000 or \$17,000 in campaign funds to LaRue.

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33.2 John Dean testimony, Watergate Grand Jury, November 20, 1973, 34-36 (received from Watergate Grand Jury).....	430
33.3 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 124-26 (received from Watergate Grand Jury).....	433
33.4 Fred LaRue testimony, 6 SSC 2294-96.....	436
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- 33.8 Memorandum from Gordon Strachan to H. R.
Haldeman, February 1, 1972 (received from
White House).....443
- 33.9 Memorandum from Gordon Strachan to H. R.
Haldeman, February 16, 1972 (received from
White House).....449

34. On December 31, 1972 Howard Hunt wrote to Charles Colson, requesting that Colson meet with Hunt's attorney, William Bittman. Hunt said, "There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th." (Hunt's wife had been killed in a plane crash on that date.) On January 2, 1973 Colson wrote to Dean forwarding a copy of Hunt's letter. The transmittal slip from Colson stated, "Now what the hell do I do?" On January 3, 1973 John Ehrlichman, Colson and Dean met to discuss Hunt's letter. Ehrlichman and Dean have testified that the three discussed the subject of executive clemency. Colson has stated he met privately with Dean and discussed the need to give personal reassurance to Hunt. Later that day and on the following day, Colson met with Bittman. According to Colson, Bittman told him that if Hunt went to jail, Hunt did not want to stay in jail beyond the end of the year, and Colson replied that he could not make any representation, but that as long as he was around he would do everything he could to help Hunt.

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34.1	Letter from E. Howard Hunt to Charles Colson, December 31, 1972 and memorandum from Charles Colson to John Dean, January 2, 1973, SSC Exhibit No. 34-28, 3 SSC 1233-34.....	457
34.2	John Ehrlichman log, January 3, 1973 (received from SSC).....	459
34.3	John Dean testimony, 3 SSC 973-74.....	460
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34.5	Charles Colson draft statement prepared for delivery to SSC, 1, 23-27 (received from SSC).....	465
34.6	Memorandum to file from Charles W. Colson, March 23, 1973, 2:15 p.m. (received from SSC).....	471
34.7	Memorandum to file from Charles W. Colson, January 5, 1973 (received from SSC).....	472

35. Between January 3 and January 5, 1973 John Caulfield, a friend of James McCord and former assistant to John Dean, delivered to Dean a handwritten copy of a letter Caulfield had received from McCord. McCord's letter stated, "If Helms goes and the Watergate operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall. . . . Just pass the message that if they want it to blow, they are on exactly the right course."

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35.1 Letter from James McCord to John Caulfield, December 28, 1972, SSC Exhibit No. 34-29, 3 SSC 1235.....	476
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35.3 James McCord testimony, 1 SSC 134, 196-97.....	478
35.4 John Caulfield testimony, 1 SSC 254.....	481
35.5 White House staff list (received from White House).....	482

36. On January 11, 1973 Hunt pleaded guilty to all counts of the indictment against him in United States v. Liddy. The remaining defendants, except for Gordon Liddy and James McCord, pleaded guilty to all counts against them on January 15, 1973.

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36.1	E. Howard Hunt guilty plea, <u>United States v. Liddy</u> transcript, January 11, 1973, 121.....	484
36.2	Bernard Barker, Eugenio Martinez, Frank Sturgis and Virgilio Gonzalez guilty plea, <u>United States v. Liddy</u> transcript, January 15, 1973, 422.....	485

37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

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37.1 John Caulfield testimony, 1 SSC 256-58.....	488
37.2 James McCord testimony, 1 SSC 137-41.....	492
37.3 John Dean testimony, 3 SSC 975-76.....	497

38. In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered \$20,000 to Peter Maroulis, Liddy's attorney.

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38.1 Fred LaRue testimony, 6 SSC 2296..... 500

39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in United States v. Liddy that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.

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39.1 Herbert Porter testimony, <u>United States v. Liddy</u> , January 23, 1973, 1427-28.....	502
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39.5 Jeb Magruder testimony, 2 SSC 805, 831-32.....	513
39.6 H. R. Haldeman testimony, 7 SSC 2887.....	516

40. In about January or February 1973 LaRue made payments of \$25,000 and \$35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.

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40.1 Fred LaRue testimony, 6 SSC 2296-97..... 518

41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass. . . ." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the break-in, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

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41.1 119 Congressional Record S2317, S2335-37
(February 7, 1973)..... 522

42. On February 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall [President of Pepsi Cola Company] call DeLoach [former FBI Assistant Director now working for Mr. Kendall] in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

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42.1	Memorandum from H.R. Haldeman to John Dean, February 9, 1973, SSC Exhibit No. 34-33, 3 SSC 1240.....	528
42.2	H.R. Haldeman testimony, 8 SSC 3203-05.....	529
42.3	John Dean testimony, 3 SSC 982-83.....	532

43. On February 10 and 11, 1973 H.R. Haldeman, John Ehrlichman, John Dean and Special Counsel to the President Richard Moore met at San Clemente and at Haldeman's cottage at Rancho LaCosta, California to discuss strategy for the hearings of the Senate Select Committee on Campaign Activities. The meeting was called because the President wanted to know what planning was being done for the hearings and what strategy should be adopted with respect to the White House position on executive privilege and other similar matters. The meetings involved between 8 and 14 hours of discussion. It was agreed that CRP rather than the White House would take primary responsibility for the defense on Watergate-related matters and that John Mitchell should be asked to coordinate these activities. According to Ehrlichman there was discussion of possible dilatory tactics with respect to the hearings of the Senate Select Committee on Campaign Activities. One tactic considered was monetary assistance to the attorneys for the Watergate defendants in possibly seeking judicial delay of the hearings. It was agreed that Moore would go to New York to speak to Mitchell about the group's discussions and Mitchell's role in preparing for the hearings.

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43.1	John Dean testimony, 3 SSC 982-86; memorandum from H.R. Haldeman to John Dean, February 9, 1973, memorandum from Lawrence Higby to John Dean, February 10, 1973, and memorandum from H.R. Haldeman to John Dean, February 10, 1973, SSC Exhibit No. 34-33, 3 SSC 1240-42.....	536
43.2	John Dean testimony, 4 SSC 1462.....	544
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43.4	H.R. Haldeman testimony, 7 SSC 2889-90.....	549
43.5	Richard Moore testimony, 5 SSC 1940-42.....	551
43.6	John Mitchell testimony, 5 SSC 1934-36.....	554

44. On or about February 14, 1973 Magruder met with Haldeman and discussed Magruder's possible future employment. Prior to this meeting Hugh Sloan had told John Dean that because of Jeb Magruder's suggestion to Sloan in June 1972 that Sloan perjure himself regarding the funds paid to Gordon Liddy by CRP, Sloan would testify against Magruder if Magruder should be nominated for a high government office. On or about February 19, 1973 Dean met with Haldeman, and he thereafter drew up an agenda of matters to be discussed and resolved at a meeting between Haldeman and the President. In that agenda it was stated that Magruder wanted to return to the White House; that Magruder "may be vulnerable (Sloan) until Senate hearings are completed;" and that Magruder "personally is prepared to withstand confirmation hearings." On February 23, 1973 Sloan met with Haldeman. According to Sloan, Haldeman told Sloan that no individual who had become a prominent figure in the Watergate matter would be placed in a high government position. On March 2, 1973 Magruder met with Haldeman and Dean. At this meeting Magruder was offered and subsequently accepted the position of Deputy Under-Secretary of Commerce for Policy Development, a Level IV government position carrying an annual salary of \$36,000.

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44.1 Hugh Sloan testimony, 2 SSC 543, 590-91, 608-09.....	559
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44.5 Agenda for meeting between the President and H. R. Haldeman, SSC Exhibit No. 34-34, 3 SSC 1243-44.....	574

44.6	John Dean testimony, Watergate Grand Jury, February 14, 1974, 7 (received from Watergate Grand Jury).....	576
44.7	Memorandum to Lawrence Higby and John Dean from Jerry Jones, February 28, 1973, SSC Exhibit No. 34-37, 3 SSC 1249-50.....	577
44.8	H.R. Haldeman calendar, February 14, 1973, February 23, 1973, March 2, 1973 (received from SSC).. <td>579</td>	579

45. On February 22, 1973 H. R. Haldeman asked John Dean to prepare a briefing paper for a meeting between the President and Attorney General Richard Kleindienst. Haldeman told Dean not to transmit the memorandum through normal channels, but to hand carry it to him. Dean prepared a briefing paper stating that Kleindienst would probably like to leave government to accept an offer he had received from a law firm but that "Kleindienst is extremely loyal to the President and will do anything asked of him by the President." (Emphasis in original.) The memorandum set forth recommendations for retaining Kleindienst as Attorney General. On February 23, 1973 the President met with Kleindienst from 10:08 to 10:52 a.m. Kleindienst testified that the President asked him to stay as Attorney General until the Watergate situation was over and discussed Kleindienst's role as liaison to the minority members of the Senate Select Committee.

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45.1 Memorandum from John Dean to H.R. Haldeman, February 22, 1973, SSC Exhibit No. 34-36, 3 SSC 1247-48.....	584
45.2 John Dean testimony, 3 SSC 989.....	586
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45.4 H.R. Haldeman calendar, February 22, 1973 (received from SSC).....	590
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45.7 Richard Kleindienst testimony, Watergate Grand Jury, August 9, 1973, 69 (received from Watergate Grand Jury).....	595

46. Dean has testified that prior to February 27, 1973 that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973 the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.

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46.5 John Ehrlichman testimony, 7 SSC 2739-40.....	612
46.6 H.R. Haldeman testimony, 7 SSC 2891.....	614

47. On February 28, 1973 the President met with John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

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47.1 Tape recording of meeting between the President and John Dean, February 28, 1973 and House Judiciary Committee transcript thereof.....	616
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48. On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

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48.1	L. Patrick Gray testimony, SJC, Gray Nomination Hearings, February 28, 1973, 1, 42-43, 45-46.....	724
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49. On March 1, 1973 the President met three times with John Dean in the Oval Office -- from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

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49.3 John Dean testimony, 3 SSC 993-94	740

50. On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff in July and August at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

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50.1 President Nixon news conference, March 2, 1973,
9 Presidential Documents 214, 219-20.....744

51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.

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51.1 President Nixon news conference, March 2, 1973, 9 Presidential Documents 214, 219-20.....	748
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52. On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee.

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52.1	Meetings and conversations between the President and John Dean, March 6-7, 1973 (received from White House).....	754
52.2	Memorandum of substance of Dean's calls and meetings with the President, March 6-7, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	761
52.3	John Dean testimony, 3 SSC 994-95.....	764

53. On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

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53.1	Transcript of tape recorded telephone conversation between John Ehrlichman and L. Patrick Gray, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.....	768
53.2	John Ehrlichman testimony, 7 SSC 2785-86.....	770
53.3	L. Patrick Gray testimony, 9 SSC 3469-70, 3537-39.....	772

See Book II, Paragraph 37 and Book II, Paragraph 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.

54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

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54.1	Transcript of tape recorded telephone conversation between John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.....	778
54.2	John Ehrlichman testimony, 7 SSC 2786-88.....	780

55. On March 8, 1973 Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

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55.1	Meetings and conversations between the President and John Dean, March 8 and 10, 1973 (received from White House).....	784
55.2	John Dean testimony, 3 SSC 995.....	791
55.3	Memorandum of substance of Dean's calls and meetings with the President, March 8, 1973 (received from SSC) and accompanying Fred Thompson affidavit, 4 SSC 1494-95.....	792

56. On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

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56.1 President Nixon statement, March 12, 1973,	
9 Presidential Documents 253-54.....	796

57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.

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57.1	<u>Washington Post</u> , March 14, 1973, A1, A12.....	800
57.2	John Dean testimony, 3 SSC 995.....	802

58. On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March'13, 1973 meeting:

TRANSCRIPT PAGE

Advisability of public disclosure	16-19, 65-69
Possible public testimony of Sloan, Kalmbach, Stans and Mitchell.	46-49
The pre-June 1972 role of Gordon Strachan in Watergate and Strachan's statements to investigators	58-59
The pre-June role of Jeb Magruder in Watergate. . . .	59-60
John Mitchell, H. R. Haldeman and Gordon Liddy's intelligence program at CRP	61-63

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58.1 Tape recording of meeting between the President and John Dean, March 13, 1973, 12:42-2:00 p.m., and House Judiciary Committee transcript thereof.....	804
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59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

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59.1 Meetings and conversations between the President and John Dean, March 14, 1973 (received from White House).....	882
59.2 Memorandum of substance of Dean's calls and meetings with the President, March 14, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	889
59.3 John Dean testimony, 3 SSC 995-96.....	892
59.4 Richard Moore testimony, 5 SSC 1973.....	894
59.5 <u>Washington Post</u> , March 15, 1973, A1, A8.....	895

60. On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

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60.1 President Nixon news conference, March 15, 1973,
9 Presidential Documents 271-73.....898

61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received \$130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.

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61.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 27-30 (received from Watergate Grand Jury).....	902
61.2 E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 87-95 (received from Watergate Grand Jury).....	906
61.3 E. Howard Hunt testimony, Watergate Grand Jury, January 29, 1974, 63-71 (received from Watergate Grand Jury).....	915
61.4 Charles Colson draft statement prepared for delivery to SSC, September 1973, 37-38 (received from SSC).....	924

62. On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean told the President that Dean had been over this like a blanket. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House

was involved. The President said that Magruder put the heat on, and Sloan starts pissing on Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman." The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg break-in.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

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62.1 Meetings and conversations between the President and John Dean, March 17, 1973 (received from White House).....	929
62.2 Memorandum of substance of Dean's calls and meetings with the President, March 17, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	936
62.3 John Dean testimony, 3 SSC 996-97.....	939
62.4 White House edited transcript of meeting between President Nixon and John Dean, March 17, 1973.....	941

63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.

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63.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 30 (received from Watergate Grand Jury).....	946
63.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 13-14 (received from Watergate Grand Jury).....	947
63.3 U.S. Secret Service White House Appointment Record for Paul O'Brien, March 19, 1973, 5:20 p.m. (received from Watergate Grand Jury).....	949

64. On March 20, 1973. John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

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64.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 2-6 (received from Watergate Grand Jury).....	952
64.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 14-16 (received from Watergate Grand Jury).....	957
64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).....	960
64.4 John Ehrlichman log, March 20, 1973 (received from SSC).....	963

65. On March 20, 1973 Dean had a conversation with Richard Moore, Special Counsel to the President. Dean told Moore that Hunt was demanding a large sum of money before his sentencing on March 23, and that if this payment were not made, Hunt was threatening to say things that would be very serious for the White House. After this conversation, Dean and Moore met with the President from 1:42 to 2:31 p.m. According to information furnished to the Senate Select Committee by Special Counsel Buzhardt, the President and Moore agreed that a statement should be released immediately after the sentencing of the defendants. According to Moore, following this meeting he told Dean that Dean should tell the President what he knew. According to Dean, Dean told Moore that Dean did not think the President understood all of the facts involved in the Watergate and particularly the implication of those facts and that Dean felt he had to lay those facts and implications out for the President.

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65.1 Richard Moore testimony, 5 SSC 1944-45.....	966
65.2 John Dean testimony, 3 SSC 997.....	968
65.3 Meetings and conversations between the President and John Dean, March 20, 1973 (received from White House).....	969
65.4 Memorandum of substance of Dean's calls and meetings with the President, March 20, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	976

66. On March 20, 1973 John Dean had an evening telephone conversation with the President during which he arranged a meeting with the President for the next morning. According to the edited transcript of this conversation made public by the White House, Dean requested a meeting with the President to go over soft spots and potential problem areas. Dean said that his prior conversation with the President had been "sort of bits and pieces" and that he wanted to paint the whole picture for the President. The President agreed to such a meeting, and the President also instructed Dean to try to write a general statement like one that would state categorically that based on Dean's investigation Haldeman, Colson and others were not involved in the Watergate matter.

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66.1 White House edited transcript of tape recorded
telephone conversation between President Nixon
and John Dean, March 20, 1973..... 980

67. On March 21, 1973 the President met with John Dean from 10:12 to 11:55 a.m. H.R. Haldeman joined the meeting at approximately 11:15 a.m. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 morning meeting:

	Transcript <u>Page</u>
Possible involvement of Haldeman, Dean, Mitchell, Magruder, Colson, Strachan and Porter in Watergate matter	5-28
Clemency and Watergate defen- dants	61-62
Whether money should be paid to E. Howard Hunt	40-42, 105-06

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67.1 Tape recording of meeting between the President and John Dean, joined later by H.R. Haldeman, March 21, 1973, 10:12 - 11:55 a.m., and House Judiciary Committee transcript thereof.....	990

68. On March 21, 1973 at 12:30 p.m. H.R. Haldeman spoke by telephone to John Mitchell, who was in New York City. In addition to reflecting the 12:30 p.m. call, Haldeman's telephone log for that day also shows a conversation with John Mitchell's office at 4:06 p.m. with a marginal notation "car - 9:30 a.m. (word illegible) Nat'l -- Amer 520." Haldeman has testified that he does not recall asking Mitchell on March 21 whether Mitchell was going to take care of Hunt's demand for money.

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68.1	H.R. Haldeman telephone log, March 21, 1973 (received from Watergate Grand Jury).....	1118
68.2	H.R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 4-16 (received from Watergate Grand Jury).....	1120
68.3	John Dean testimony, Watergate Grand Jury, February 14, 1974, 16 (received from Watergate Grand Jury).....	1133

69. On the afternoon of March 21, 1973 Dean met with Haldeman and Ehrlichman. Ehrlichman and Dean have testified that the participants at the meeting speculated about John Mitchell's role in the Watergate affair, and wondered whether Mitchell's not coming forward was the cause of the beating everyone was taking on the subject of Watergate. Dean and Haldeman have testified that in the late afternoon of March 21, just before their second meeting with the President on that day, Dean told Haldeman that perhaps the solution to the whole thing was to draw the wagons around the White House. According to Haldeman, Dean also said that they should let all the chips fall where they may, because that would not hurt anybody at the White House since no one there had a problem.

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69.1	John Ehrlichman log, March 21, 1973 (received from SSC).....	1136
69.2	H.R. Haldeman calendar, March 21, 1973 (received from SSC).....	1137
69.3	John Ehrlichman testimony, 7 SSC 2741-43, 2756.....	1138
69.4	John Dean testimony, Watergate Grand Jury, February 14, 1974, 17 (received from Watergate Grand Jury).....	1142
69.5	John Dean testimony, 3 SSC 1000, 1092.....	1143
69.6	H.R. Haldeman testimony, 7 SSC 2899.....	1145

70. On the afternoon of March 21, 1973 from 5:20 to 6:01 p.m. the President met with Haldeman, Ehrlichman and Dean. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 afternoon meeting:

	<u>Transcript Page</u>
Possibility of testimony before a new Grand Jury or before an independent panel established to investigate facts	1-4, 21-22
Possibility of pardon or clemency for Hunt	5-6
What was being done about Hunt's demand	6-7
Existence of persons with knowledge	7-8
Written report by Dean on which President at some later time could be shown to have relied	12-19, 23, 30-32
Ellsberg search and seizure may be sufficient for mistrial	20
Possibility of Magruder, Chapin, Dean and Haldeman going to jail	25-28
Possibility of Mitchell stepping forward and making some kind of disclosure	35

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70.1 Tape recording of conversation among the President, H.R. Haldeman, John Ehrlichman and John Dean, March 21, 1973, 5:20 - 6:01 p.m., and House Judiciary Committee tran- script thereof.....	1148
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71. On the evening of March 21, 1973 Fred LaRue caused approximately \$75,000 in cash to be delivered to William Bittman, attorney for E. Howard Hunt. Earlier that day LaRue had called Mitchell when Dean refused to authorize the payment to Hunt, and Mitchell had approved the payment to Hunt.

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71.1	Fred LaRue testimony, Watergate Grand Jury, February 13, 1974, 2-10A (received from Watergate Grand Jury).....	1188
71.2	Manyon Millican testimony, Watergate Grand Jury, February 13, 1974, 2-7 (received from Watergate Grand Jury).....	1198
71.3	Sherman Unger testimony, Watergate Grand Jury, February 19, 1974, 3-14 (received from Watergate Grand Jury).....	1204
71.4	Sherman Unger Grand Jury Exhibits SU-1 through SU-7, February 19, 1974 (received from Watergate Grand Jury).....	1216
71.5	William Bittman testimony, Watergate Grand Jury, August 3, 1973, 189-91, 194-96 (received from Watergate Grand Jury).....	1226
71.6	E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 95, 111-12 (received from Watergate Grand Jury).....	1232
71.7	John Dean testimony, Watergate Grand Jury, February 14, 1974, 16 (received from Watergate Grand Jury).....	1235
71.8	John Mitchell testimony, 4 SSC 1630-31.....	1236

72. On April 17, 1973 the President issued the following public statement:

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

In his address to the nation of April 30, 1973 the President stated that in March 1973 he received new information regarding the involvement of members of the White House staff in the Watergate affair, and that:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

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72.1 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.....	1240
72.2 President Nixon address to the nation, April 30, 1973, 9 Presidential Documents 433-34.....	1241

73 . On the evening of March 21, 1973 the President dictated his
recollections of the events that had occurred on that day.

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73.1 Dictabelt recording of the President's
recollections of March 21, 1973, and
House Judiciary Committee transcript
thereof.....1244

74. On the morning of March 22, 1973 at 11:00 a.m. H.R. Haldeman, John Ehrlichman, John Mitchell and John Dean met in Haldeman's office. Haldeman, Ehrlichman and Dean have testified that at this time Mitchell indicated that E. Howard Hunt was not a "problem any longer." Mitchell has denied making such a statement. At this meeting, according to Ehrlichman and Haldeman, Mitchell stated that the Administration's rigid executive privilege policy was untenable, both from a legal and from a political standpoint, because it appeared to the public to be a cover-up on the part of the President. Haldeman testified that most of the discussion at the meeting concerned approaches to dealing with the situation, rather than a review of the facts.

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74.1 H.R. Haldeman calendar, March 22, 1973 (received from SSC).....	1253
74.2 John Ehrlichman log, March 22, 1973 (received from SSC).....	1254
74.3 John Dean testimony, Watergate Grand Jury, February 14, 1974, 17-18 (received from Watergate Grand Jury).....	1255
74.4 H.R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 36-38 (received from Watergate Grand Jury).....	1257
74.5 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 67-73 (received from Watergate Grand Jury).....	1260
74.6 H.R. Haldeman testimony, 7 SSC 2899.....	1267
74.7 John Ehrlichman testimony, 7 SSC 2745, 2853.....	1268
74.8 John Dean testimony, 3 SSC 1000-01.....	1270

74.9	John Dean testimony, SSC Executive Session, June 16, 1973, 129-31.....	1272
74.10	John Mitchell testimony, 4 SSC 1663.....	1275

75. On or about March 22, 1973 John Ehrlichman met with Egil Krogh at the White House. Ehrlichman assured Krogh that Howard Hunt was stable or more stable, that his recommendation was just to hang tough, and that Hunt was not going to disclose all.

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75.1	Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 10-11 (received from Watergate Grand Jury).....	1278
75.2	John Ehrlichman testimony, 6 SSC 2550-51.....	1280

STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 20, 1972 - March 22, 1973

Part 1

1. On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that certain persons involved in Watergate previously had been involved in operations of the White House "Plumbers" unit, specifically entering the offices of Daniel Ellsberg's psychiatrist and making ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded evidence relating to the Watergate break-in. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

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1.1	Fred LaRue testimony, 6 SSC 2286-89, 2309.....	88
1.2	Robert Mardian testimony, 6 SSC 2357-59.....	93

Mr. LaRUE. It would be the following Monday. It would be, I think, the 19th of June.

Mr. DASH. All right. On that Monday in the evening, did you attend a meeting in Mr. Mitchell's Washington apartment at the Watergate?

Mr. LaRUE. Mr. Mitchell's apartment?

Mr. DASH. Yes.

Mr. LaRUE. Yes, sir.

Mr. DASH. Who was at this meeting?

Mr. LaRUE. Mr. Mitchell was at the meeting, I was at the meeting, Mr. Mardian came to the meeting, Mr. Dean, and Mr. Magruder.

Mr. DASH. Now, could you tell us generally what the meeting was about and what discussion took place?

Mr. LaRUE. Mr. Dash, I have no specific recollection of any of the discussions other than I would assume, and I am sure from the participants, that the discussion centered on the Watergate incident. The only specific incident that I recall was a discussion by Magruder of some sensitive files which he had, about my understanding relating to this incident, and that he was seeking advice about what to do about those files.

Mr. DASH. Now, did the term or the name "Gemstone" used at that time? Did he refer to it?

Mr. LaRUE. If it was used, I do not recall it, no sir. It would not have meant anything to me, anyway.

Mr. DASH. Had you ever heard of that term "Gemstone"?

Mr. LaRUE. Not at that time, no sir.

Mr. DASH. Is there a possibility it was used at that time?

Mr. LaRUE. There is a possibility, but as I say, it would not have meant anything to me.

Mr. DASH. You say Mr. Magruder asked what he should do about these sensitive files?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did he get a response to that?

Mr. LaRUE. As I remember, there was a response from Mr. Mitchell that it might be good if Mr. Magruder had a fire.

Mr. DASH. Who said that?

Mr. LaRUE. As near as I can recall, Mr. Mitchell said that.

Mr. DASH. That it might be a good idea if he had a good fire in his house?

Mr. LaRUE. Yes.

Mr. DASH. Do you recall in any discussion of the politically sensitive files that the information they involved was electronic surveillance?

Mr. LaRUE. As I recall, there was a reference to files pertaining to electronic surveillance, yes, sir.

Mr. DASH. Is it true that at this meeting on June 19, 1972, where a discussion was had about these files and the recommendations that it would be good if Mr. Magruder had a good fire in his house, was one of the overt acts which is included in the information, the conspiracy of information to which you pleaded guilty, the June 19 meeting?

Mr. LaRUE. Yes, sir; that is true.

Mr. DASH. Now, was there a meeting in your apartment on June 20, 1972?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us who was there?

Mr. LaRUE. Mr. Mardian, Mr. Liddy and myself.

Mr. DASH. And what was discussed at that time? This is Mr. Gordon Liddy?

Mr. LaRUE. Yes, that is correct.

This discussion centered around Mr. Liddy's knowledge and involvement in the break-in.

Mr. DASH. You say centered around his involvement. Could you be a little more specific? What did Mr. Liddy say? Was he there to tell you what had occurred?

Mr. LaRUE. I don't know that he was there for that purpose, but this is what evolved.

Mr. DASH. Who set up the meeting?

Mr. LaRUE. Mr. Mardian set up the meeting.

Mr. DASH. What did you understand, since it was in your apartment, that the meeting was to be about?

Mr. LaRUE. My presence in the meeting occurred in this manner: Mr. Mardian came to me on that day and wanted to know if he could borrow my, use my apartment, that he had a meeting set up with Gordon Liddy. I told him that would be fine. I gave him the keys to my apartment, and I think at that time, he said, you might as well join me.

Mr. DASH. Where, by the way, is your apartment located?

Mr. LaRUE. At that time, I was in Watergate West.

Mr. DASH. Now, you knew that, especially from what Mr. Magruder had told you on his telephone call with Mr. Liddy, that Mr. Liddy had been one of those who was involved in the break-in?

Mr. LaRUE. No, Mr. Dash, I do not think that was discussed at that time.

Mr. DASH. Well, you said that Mr. Magruder went back and said there was trouble, there was a break-in, that that was the day they were going to go into Democratic national headquarters when Mr. Liddy was on the phone. When Mr. Magruder came back, didn't you say that Mr. Liddy had told Mr. Magruder about the break-in?

Mr. LaRUE. Yes; but I don't think that at that time, Mr. Liddy had indicated any involvement of himself at that operation.

Mr. DASH. Did he mention Mr. McCord?

Mr. LaRUE. He did mention Mr. McCord, yes, sir.

Mr. DASH. At that time, did he mention himself at your apartment on June 20?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us what he did say about his involvement?

Mr. LaRUE. Mr. Liddy told us that he had recruited the five people that had been caught in the Democratic National Committee, that he had, he and Mr. Hunt had set up this operation, that he and Mr. Hunt were at a hotel room at the Watergate Hotel during the actual break-in. He described the listening post that they had across the street at the Howard Johnson's.

Mr. DASH. By the way, did he tell you about any other activity he had been engaged in for intelligence purposes or covert activities besides the break-in at the Watergate?

Mr. LaRUE. Yes, he did.

Mr. DASH. Could you tell us what they did?

Mr. LaRUE. Mr. Liddy mentioned that he had on other occasions been involved in incidents or operations for the White House, and he specifically mentioned the attempted burglary of the office of the psychiatrist of Mr. Ellsberg. He specifically mentioned another incident in which Mr. Hunt used a disguise, I think—this was in Denver, Colo., when Mrs. Dita Beard was in the hospital. Mr. Hunt used a disguise to surreptitiously enter the room and have a conversation with Mrs. Beard.

Mr. DASH. Do you recall any other incidents that he talked about?

Mr. LaRUE. I don't recall any, no, sir.

Mr. DASH. Do you recall Mr. Liddy telling you or Mr. Mardian about his shooting out the lights around the McGovern headquarters?

Mr. LaRUE. Yes, I do recall that.

Mr. DASH. That was during an unsuccessful attempt to break into McGovern headquarters?

Mr. LaRUE. An unsuccessful attempt. He had shot out some lights, I think in an alley or someplace around McGovern headquarters.

Mr. DASH. Do you recall Mr. Liddy discussing at that time whether or not there was any possibility he might get caught or might get found out?

Mr. LaRUE. Mr. Liddy assured us that he had conducted this operation in such a manner that it could not be traced to him, that we should not have any fears that any subsequent investigation would lead to him.

Mr. DASH. Nevertheless, did Mr. Liddy offer any type of punishment that he would be willing to accept for his failure in this case?

Mr. LaRUE. Yes; Mr. Liddy assured us that in any event, he would never reveal any information about this in the course of any investigation, even if it led to him, but if we were not satisfied with that assurance, that though he was, I think, personally or morally opposed to suicide, that if we would instruct him to be on any street corner at any time, he would be there and we could have him assassinated.

Mr. DASH. In other words, he was willing to be rubbed out?

Mr. LaRUE. Yes, sir.

Mr. DASH. I take it nobody took him up on his offer?

Mr. LaRUE. Not that I know of, no, sir.

Mr. DASH. Now, the meeting was between you, Mardian, and Mr. Liddy in your apartment?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, it was this meeting that you had with Mr. Liddy in which these revelations came from Mr. Liddy. Was this information reported to Mr. Mitchell?

Mr. LaRUE. Yes, it was.

Mr. DASH. Do you recall when it was, by whom?

Mr. LaRUE. The best of my recollection would be the same day, the afternoon or late evening of June 20.

Mr. DASH. What was Mr. Mitchell's reaction when he heard what you had to say?

Mr. LaRUE. Well, he was—Mr. Mitchell is not a person that demonstrates a great deal of emotion about anything. Mr. Dash, I don't recall any specific reaction.

Mr. DASH. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?

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Mr. LaRUE. No; not to my recollection, no, sir.

Mr. DASH. Did he not tell you that he was acting on the approval of the White House or Mr. Mitchell?

Mr. LaRUE. Mr. Dash, I don't recall a discussion of that nature, no, sir.

Mr. DASH. Now, when was the subject of fundraising for the Watergate defendants first brought up in your presence or mentioned to you?

Mr. LaRUE. Mr. Dash, I am sorry, but I don't have any specific recollection or dates regarding the initial discussions on fundraising.

Mr. DASH. I am not trying to pin you down to any particular date. Was it around this time? Was it around the time that you had the meeting with Mr. Liddy?

Mr. LaRUE. Yes; I would say that it was in this time period. To the best of my recollection, at the Liddy meeting, he indicated that certain commitments had been made to him and subsequently passed by him to the other people involved, that certain commitments had been made regarding the maintenance or expenses for the maintenance of their families, legal expenses.

Mr. DASH. Did he tell you who had made these commitments?

Mr. LaRUE. No sir, he did not.

Mr. DASH. But that he expected that there would be payments made for the boys in jail, is that right?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, what was your role to be in this respect at this time?

Mr. LaRUE. My role in what, I am sorry?

Mr. DASH. What was your role in providing funds or the payment for the defendants?

Mr. LaRUE. At this time?

Mr. DASH. At this time.

Mr. LaRUE. I didn't have any role, Mr. Dash.

Mr. DASH. Did there come a time when you had a role with Mr. Kalmbach?

Mr. LaRUE. Yes, sir.

Mr. DASH. Will you tell us about that. When did you first learn that Mr. Kalmbach was going to be involved and what role you were going to have with regard to his activities?

Mr. LaRUE. My best recollection of that, Mr. Dash, was that I received a phone call from Mr. Kalmbach to meet him at the Statler-Hilton Hotel, that date was the latter part of June, June 28, June 29.

Mr. DASH. And you did meet with him?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us what happened at that meeting?

Mr. LaRUE. I met with Mr. Kalmbach, the nature of that discussion, as I recall, Mr. Kalmbach stated that he had undertaken an assignment to raise money to meet the commitments that had been made to the Watergate defendants. Our discussion centered on a method or a way that contact could be made with the defendants and in which the amount of money could be discussed or be determined.

Mr. Kalmbach indicated that he had a person who was very discreet, very reliable that could be used for this purpose. We discussed—

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Mr. LaRUE. Senator, I stand on the fact that I do not know who made these commitments, no, sir.

Senator TALMADGE. But you thought they ought to be carried out regardless of who made them and under what conditions?

Mr. LaRUE. I thought that what?

Senator TALMADGE. You thought they ought to be carried out regardless of who made them and totally unknown to you?

Mr. LaRUE. I thought they ought to be carried out because of the consequences if they were not.

Senator TALMADGE. Did you know anything about the break-in prior thereto?

Mr. LaRUE. Pardon me, I am sorry.

Senator TALMADGE. Did you know the break-in was planned prior to that time? Did you know that Liddy and his associates were going to break into the Watergate and commit burglary?

Mr. LaRUE. No, sir.

Senator TALMADGE. You did not?

Mr. LaRUE. No, sir, I did not.

Senator TALMADGE. Did Mr. Mitchell know?

Mr. LaRUE. Not to my knowledge, no, sir.

Senator TALMADGE. I believe you met with Mr. Liddy on June 20.

Mr. LaRUE. Yes, sir.

Senator TALMADGE. And you discussed various things. Did Mr. Liddy tell you at that time that he had shredded a number of documents?

Mr. LaRUE. Yes, sir.

Senator TALMADGE. Did he tell you the nature of those documents?

Mr. LaRUE. He indicated that they were documents relating to the break-in, yes, sir.

Senator TALMADGE. And they were in the files of the Committee To Re-Elect the President?

Mr. LaRUE. They were in—my understanding is they were in his files, yes, sir.

Senator TALMADGE. Now, I believe Mr. Mardian was present at that same conversation, was he not?

Mr. LaRUE. Yes, sir.

Senator TALMADGE. What was his reaction to this Liddy story that—

Mr. LaRUE. What was Mr. Mardian's reaction?

Senator TALMADGE. Yes.

Mr. LaRUE. I think Mr. Mardian was—shared the same opinion I did. He was rather shocked by the revelations of what had been known, became known as the White House horrors, and I do not think he shared any enthusiasm that the investigation would eventually lead to Mr. Liddy.

Senator TALMADGE. Did Mr. Liddy tell you at that time about the Ellsberg psychiatrist break-in?

Mr. LaRUE. Yes, sir.

Senator TALMADGE. Now, had not Mr. Mardian been in charge of the Internal Security Division of the Justice Department that was in charge of prosecuting the *Ellsberg* case?

Mr. LaRUE. I do not know who was in charge of prosecuting it. Senator. Mr. Mardian, prior to his coming to the committee, was assistant attorney general in charge of Internal Security, yes, sir.

Mr. MARDIAN. I think I would have recalled such a discussion had it taken place in my presence.

Mr. HAMILTON. Well, are you aware of any testimony by Mr. LaRue and Mr. Magruder that you left the meeting before destruction of the Gemstone file?

Mr. MARDIAN. I don't think anybody asked that question and I don't think anybody asked Mr. LaRue when I arrived. Maybe they did. I don't know.

Mr. HAMILTON. But you know of no statement by Magruder or LaRue here or otherwise that you were not present at this meeting when the destruction of the Gemstone file took place?

Mr. MARDIAN. Well, I haven't talked to them.

Mr. HAMILTON. Mr. Mardian, did you, in the several days following June 19, have an occasion to interview Mr. Liddy?

Mr. MARDIAN. Yes.

Mr. HAMILTON. And who else was present in this interview?

Mr. MARDIAN. Mr. Fred LaRue.

Mr. HAMILTON. Mr. LaRue testified at page 4595 that this meeting was on June 20. Do you concur in that testimony?

Mr. MARDIAN. No. And I might state that there is doubt in my mind as to the date of that meeting. I originally, in response to questions put to me by the U.S. attorneys fixed the date of that meeting as the 21st or 22d. They told me that the meeting took place on the 20th. We finally settled on the 20th or 21st, and I believe I told your committee that it was the 20th or 21st. In checking my records I would have to say that the meeting took place on the morning of—and again I could be mistaken, the morning of June 21.

Mr. HAMILTON. What is there in your records, Mr. Mardian, that indicates to you that the meeting took place on this day?

Mr. MARDIAN. On the worksheet that has been turned over to your committee, I note that I got a call from Gordon Liddy and it coincides with my earliest recollection that I did not meet with Mr. Liddy at least on the first day of my return. I am not saying that that is absolute, I am just—my earliest recollection was the 21st or 22d, and I think I have testified that it could be the 20th or 21st but I would have to say that it was the 21st.

Mr. HAMILTON. Is it your recollection that this meeting with Mr. Liddy took place on the morning of the 21st?

Mr. MARDIAN. This is purely a surmise based upon that call. It looks to be the first call that I noted, and my recollection is he said he was leaving that day for Los Angeles.

Mr. HAMILTON. I notice in your diary that there are numerous meetings scheduled on June 21st, one at 8; one at 8:30; one at 9:30; one at 10; one at 11; and one at 12, that appears to have been canceled. Would this heavy load on the morning of the 21st suggest to you that perhaps the meeting took place on the 20th?

Mr. MARDIAN. That crossmark does not indicate a cancellation. I think you will find that crossmark on every Monday, Wednesday, and Friday, which was the time I was supposed to exercise, which I did not.

I note that the meeting—there is one, for instance, with a gentleman at 8:30 and then another one at 10 o'clock. I do not think I met with that gentleman twice on that day. One appears to be a rescheduled-

ing, and the fact that I have it noted in my book does not mean that I kept the appointment.

I am trying to give you the best, my best recollection.

Mr. HAMILTON. How did this meeting come about, Mr. Mardian?

Mr. MARDIAN. Well, my recollection differs with that of Mr. LaRue. Again, Mr. LaRue could be right. My recollection was that Mr. LaRue told me Mr. Liddy wanted to talk to me. I do not recall whether it was Mr. LaRue that told me this or Mr. Liddy to come to my office. Mr. Liddy was reluctant to come to my office. He wanted to meet some place else, and we met in Mr. LaRue's apartment. I believe that, more than anything else, was the basis for my belief that it was Mr. LaRue that arranged for the meeting and indicated we could meet in his apartment.

Mr. HAMILTON. Mr. Mardian, I wondered in your own words if you would, in some detail, tell us what occurred at this meeting and tell us what information Mr. Liddy imparted to you?

Mr. MARDIAN. My recollection is pretty vivid. I may forget some of the items that he disclosed to me, but I will try not to.

We arrived, Mr. LaRue and I arrived at his apartment and soon thereafter, Mr. Liddy came into the room. The first thing he asked Mr. LaRue was whether or not he had a radio. Mr. LaRue indicated a radio which was in the corner of the living room. Mr. Liddy went over and turned the radio on and asked me to sit by the radio in a chair, and he sat in a couch, as I recall, that was next to an end table that the radio was on.

He apologized to me by saying something to the effect that it is not that I do not trust you, but this conversation cannot be recorded. My inference from that was he thought I had some kind of a device on me, possibly something in the room, I do not know.

And again, I am going to have to say that I do not recall the sequence of events in which he related these things to me. But I do recall that he said that he wanted to hire me as his lawyer, as his personal attorney. I told him that I was acting as attorney for the committee and that I could not relieve myself of that responsibility to represent him. He then said it was imperative that he be able to talk to me in confidence and that under no circumstances could I disclose what he told me.

I told him that since he was an employee of the committee and I was acting as attorney for the committee, he could talk to me as a client to a lawyer and that I would maintain his confidence, but that I would have to be at liberty to disclose what he told me to Mr. Mitchell. At first, I believe he demurred, and I told him that was the only basis on which I could talk to him.

One of the things that he told me was that he had a message from Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to provide bail money to get his men out of jail. At that time, these people were incarcerated in the District of Columbia Jail.

I was interested in finding out what had occurred and I interrogated him as to the events of the evening of January 16—June 16, the morning of the 17th. And he related to me what had occurred about the break-in, told me that they had planned, as I recall, to break into the McGovern headquarters that same night.

About the arrest of the five people, Mr. McCord and the others, their flight, he indicated to me that there was nothing to fear, because the only person that could identify Mr. Liddy was Mr. McCord and Mr. McCord would not divulge his identity, that the Cuban-Americans were old soldiers who had worked in the CIA with Mr. Hunt since the Bay of Pigs, and that they would never under any circumstances disclose Mr. Hunt's identity, and that the committee had nothing to fear in that regard.

I told him that, based upon what he had related to me, the events of that evening, one of which included, as I recall, his sitting on the shoulders of one of the men at a distance—I don't recall, some 300 feet or 300 yards—shooting out a light behind the Democratic Committee headquarters. I pointed out to him that a person that he was that intimate with would certainly be able to identify him, pointed out that he had spent, that he had told us he had spent some time in the room with these people in their hotel room, they had eaten, that his fingerprints would be all over the place. He kept insisting that there was no chance that he would be identified.

I tried to convince him he would be identified, that his best bet was to give himself up rather than try to wait for them to arrest him.

He discounted this possibility. He did, after some discussion, indicate that it was possible that he could be arrested, but I inquired of him as to the—because of the news accounts of the arrest and the apparent bungled effort, the possibility that someone in the group had had it in mind that they would be arrested, to embarrass the Committee To Re-Elect the President. He discounted this completely by saying that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose.

I inquired as to what he meant by that, and he said that they had invaded the office of the psychiatrist of Dr. Ellsberg and that they were the ones who got Dita Beard out of town.

I expressed my strong displeasure with respect to—I pointed out that the worst thing that had happened in the hearings was that Dita Beard disappeared.

I asked him because of the Ellsberg break-in what, if anything, they had obtained? He told me that they had obtained nothing, that they had searched all the files and couldn't find his record.

I asked him on whose authority he was operating, and I wish to be very careful here, because I don't know that he used the name of the President, but the words he did use were clearly meant too imply that he was acting on the express authority of the President of the United States, with the assistance of the Central Intelligence Agency.

I made some notes of—oh, I asked him what information they had obtained. He told me that the purpose of making this entry, that this entry was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place. He told me that the only thing they had ascertained from that bug was the fact that somebody at the Democratic National Committee was talking to somebody at the—was talking to the people or a person at the Committee To Re-

2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

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Mr. LaRUE. Mr. Liddy mentioned that he had on other occasions been involved in incidents or operations for the White House, and he specifically mentioned the attempted burglary of the office of the psychiatrist of Mr. Ellsberg. He specifically mentioned another incident in which Mr. Hunt used a disguise, I think—this was in Denver, Colo., when Mrs. Dita Beard was in the hospital. Mr. Hunt used a disguise to surreptitiously enter the room and have a conversation with Mrs. Beard.

Mr. DASH. Do you recall any other incidents that he talked about?

Mr. LaRUE. I don't recall any, no, sir.

Mr. DASH. Do you recall Mr. Liddy telling you or Mr. Mardian about his shooting out the lights around the McGovern headquarters?

Mr. LaRUE. Yes, I do recall that.

Mr. DASH. That was during an unsuccessful attempt to break into McGovern headquarters?

Mr. LaRUE. An unsuccessful attempt. He had shot out some lights, I think in an alley or someplace around McGovern headquarters.

Mr. DASH. Do you recall Mr. Liddy discussing at that time whether or not there was any possibility he might get caught or might get found out?

Mr. LaRUE. Mr. Liddy assured us that he had conducted this operation in such a manner that it could not be traced to him, that we should not have any fears that any subsequent investigation would lead to him.

Mr. DASH. Nevertheless, did Mr. Liddy offer any type of punishment that he would be willing to accept for his failure in this case?

Mr. LaRUE. Yes; Mr. Liddy assured us that in any event, he would never reveal any information about this in the course of any investigation, even if it led to him, but if we were not satisfied with that assurance, that though he was, I think, personally or morally opposed to suicide, that if we would instruct him to be on any street corner at any time, he would be there and we could have him assassinated.

Mr. DASH. In other words, he was willing to be rubbed out?

Mr. LaRUE. Yes, sir.

Mr. DASH. I take it nobody took him up on his offer?

Mr. LaRUE. Not that I know of, no, sir.

Mr. DASH. Now, the meeting was between you, Mardian, and Mr. Liddy in your apartment?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, it was this meeting that you had with Mr. Liddy in which these revelations came from Mr. Liddy. Was this information reported to Mr. Mitchell?

Mr. LaRUE. Yes, it was.

Mr. DASH. Do you recall when it was, by whom?

Mr. LaRUE. The best of my recollection would be the same day, the afternoon or late evening of June 20.

Mr. DASH. What was Mr. Mitchell's reaction when he heard what you had to say?

Mr. LaRUE. Well, he was—Mr. Mitchell is not a person that demonstrates a great deal of emotion about anything. Mr. Dash. I don't recall any specific reaction.

Mr. DASH. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?

Mr. HAMILTON. When you spoke to Mr. Mitchell did you transmit this request for bail money to Mr. Mitchell?

Mr. MARDIAN. Included among all of the other matters that I related.

Mr. HAMILTON. More specifically, in regard to the bail money, what was Mr. Mitchell's reaction?

Mr. MARDIAN. Mr. Mitchell told me that under no circumstances would bail money be forthcoming, and for me to call Mr. Liddy and tell him. And I did so.

Mr. HAMILTON. Will you tell us the rest of your conversation with Mr. Mitchell? I don't want you to repeat everything that you told Mr. Liddy, but I would like to know what Mr. Mitchell said to you.

Mr. MARDIAN. I can't recall—oh, he asked me if Mr. Liddy—I might say that Mr. Mitchell appeared to be as sincerely shocked as I was when I got this information. He asked me if Mr. Liddy had disclosed any other of the activities of this group that had been arrested, Mr. Hunt and himself, and I told him that he had not, he had not disclosed any others to me.

Mr. HAMILTON. Did Mr. Mitchell confirm or deny that he had approved the budget for Mr. Liddy's operation?

Mr. MARDIAN. I don't think he did.

Mr. HAMILTON. He made no comment in any way as to whether or not he had approved the budget?

Mr. MARDIAN. Not at that time. That discussion took place later.

Mr. HAMILTON. A discussion on whether he had approved the budget took place later?

Mr. MARDIAN. Well, the discussion didn't start out in that vein. It took place when I confronted Mr. Magruder. I asked Mr. Magruder in the presence of Mr. Mitchell, I believe the next day, or as soon thereafter as I could, how much money he had given Mr. Liddy in addition, I forget the general nature of the entire conversation, I asked him whether he directed Mr. Liddy to go in there. He denied it. I asked him how much money he had given Mr. Liddy. He said he had authorized Mr. Sloan to give Mr. Liddy \$40,000. I asked him what he thought the \$40,000 was for. It seemed to me a sizable sum of money. Mr. Mitchell expressed the same concern and wanted to know, you know, how he could have spent \$40,000 already because the campaign had just started.

Mr. Magruder lied to Mr. Mitchell that he had authorized \$250,000, and this seemed but a very small part of that sum. That is how the \$250,000 budget matter came up.

Mr. HAMILTON. At some occasion during that week wasn't there a discussion between Mr. Magruder and Mr. Sloan as to the actual amount that had been approved?

Mr. MARDIAN. I was not—I don't recall being present at that discussion other than the—it has been testified that I confronted the two of them in Mr. Mitchell's presence, that may very well have occurred. I don't have a present recollection. But after talking with Mr. Magruder I then interrogated Mr. Sloan. Mr. Sloan told me that he had been authorized by Mr. Magruder to disburse in the neighborhood of \$200,000 which shocked me even further. I asked him if he was sure of the amount. He said he had not calculated the exact amount but that it was his opinion that it was in the neighborhood of \$200,000 that he had already disbursed.

Mr. MARDIAN. The Internal Security Division never requested a single wiretap during my tenure.

Senator WEICKER. You then make it a matter of record the Division, during your tenure, never requested a wiretap of Division 5 of the Federal Bureau of Investigation?

Mr. MARDIAN. To my knowledge, sir, all those requests had to come from persons designated by the President of the United States and they could only be made to one person and that is to the Director of the FBI.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Counsel.

Mr. HAMILTON. Mr. Mardian, I have just a few questions, and I would first like you to clarify an apparent conflict in the record from your testimony yesterday so the record will be straight. At page 4794 you said: "Mr. Magruder said to Mr. Mitchell that he had authorized \$250,000 and this seemed but a very small part of that sum. That is how the \$250,000 budget came up." Let me say in saying that to you there is, what I take it to be, a typographical error; the first three words are "Mr. Magruder lied to Mr. Mitchell." I think that should read "Mr. Magruder said to Mr. Mitchell."

Mr. MARDIAN. Said, yes.

Mr. HAMILTON. However, at page 4797, this is the testimony, the question was "And did you subsequently confirm that the budget that had been allocated to Mr. Liddy was actually \$250,000 and your answer was this: "To this day that matter has never been confirmed to me." And it appears there is some conflict here, and I would like for you to clear that up.

Mr. MARDIAN. Read that again, please.

Mr. HAMILTON. The last quote, Mr. Mardian?

Mr. MARDIAN. Yes.

Mr. HAMILTON. The question was: "And did you subsequently confirm that the budget that had been allocated to Mr. Liddy was actually \$250,000?"

Mr. MARDIAN. To this day that matter has never been confirmed to me. I think I was referring to a question relating to the \$199,000 and that is how I understood it. So I would—I must have misunderstood the question or they took the figure down incorrectly.

Mr. HAMILTON. I would be happy to read the statement. "I was never apprised of the fact there never had been any agreement on the amount of disbursement. I think Mr. Sloan's testimony was that it was \$199,000."

Mr. MARDIAN. Yes; that is what I would have been referring to.

Mr. HAMILTON. I think the question is: Did you ever have confirmation from either Mr. Mitchell or Mr. Magruder that the budget that had been approved for Mr. Liddy's dirty trick operations and black advance operations was \$250,000?

Mr. MARDIAN. Yes. I think I testified that I am not sure in what context it arose, whether it arose in California, whether it arose immediately thereafter. My best recollection was that it arose in connection with the confrontation between—that I had with Mr. Magruder in Mr. Mitchell's presence when I asked about—when I asked him how much money he had given Mr. Liddy; and he replied "\$40,000," and I said in surprise: "\$40,000," and it was echoed by Mr. Mitchell, "\$40,000."

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Mr. DASH. All right, now, Mr. Mitchell, where and when did you first learn of the break-in of the Democratic National Committee headquarters that took place on June 17, 1972?

Mr. MITCHELL. Well, I was in California for the weekend on an extensive round of activities and, to the best of my recollection, Mr. Dash, it was on Saturday morning. I am not sure who the individual was who told me. We were, I was, moving with Governor Reagan from a hotel to a place where there was a series of political meetings, to the best of my recollection, when I arrived there I was advised of it. There was considerable concern about the matter because I was holding a press conference out there, and we did not know what the circumstances were. I believe that by that time that they had—Mr. McCord, his name had surfaced or Mrs. McCord had called somebody at the committee about it, and obviously, there was an involvement in the Committee To Re-Elect the President.

Mr. DASH. What, if anything, did you do, while still in California?

Mr. MITCHELL. While in California? I did a number of things. First of all, I continued to carry out the schedule that I had there which was quite extensive for 2 days. I asked the people, particularly Mr. Mardian who was there, to get as much information about it as he could. I put out a statement to the effect that, I do not know whether it went out there or after we came back, to the effect that we did not understand this, that Mr. McCord was one of our employees, he also had a separate consulting firm, that it was basically an attempt to carry on the extensive schedule that I had which, of course, is in the book that you are well aware about and, at the same time, trying to get information as to what had happened back in the District of Columbia.

Mr. DASH. At that time, out in California, did it ever cross your mind when you read about this that perhaps the Liddy plan had been put in operation?

Mr. MITCHELL. Well, that had crossed my mind but the players were different and, of course, there was a lot of discussion about CIA and because of the Cuban Americans who were involved in it. It wasn't until actually later on that it struck home to me that this could have been the same operation that had a genesis back in the earlier conversation.

Mr. DASH. Well then, after you returned from California, and I understand that was on June 19, 1972.

Mr. MITCHELL. Yes, sir, it was.

Mr. DASH. When and how were you briefed as to what actually happened in this matter?

Mr. MITCHELL. Well, how was I briefed as to what actually happened?

Mr. DASH. Yes.

Mr. MITCHELL. Well, that is such a broad statement that I could tell you for the next 6 months I was being briefed on it.

Mr. DASH. I mean, let's take the—

Mr. MITCHELL. Excuse me, Mr. Dash, you are asking the questions.

Mr. DASH. That is all right. I think you were about ready to give me a shorter answer than a longer answer.

Mr. MITCHELL. Well, I was giving you a shorter answer to the fact that the first so-called briefing on what had happened, and you used the word "actually" which I will have to omit from that for the time

being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

Mr. DASH. Will you tell us briefly what that extensive story included?

Mr. MITCHELL. Well, it included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Mr. MITCHELL. Well, I am referring to, well, it certainly wasn't the prosecution.

Mr. DASH. No.

Mr. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

Mr. DASH. And when you refer to the Dita Beard matter what specifically did you learn through Mr. LaRue and Mr. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her out of, either New York or Washington.

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder—

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement, et cetera, and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. No; I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Mr. DASH. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house?

Mr. MITCHELL. Not in my recollection was there any discussion of destruction of documents at that meeting.

Mr. DASH. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Mr. DASH. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

Mr. MITCHELL. Well, I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

Mr. DASH. Well, now, Mr. Mitchell, you did become aware, as you have indicated, somewhere around June 21 or 22, when you were briefed or debriefed by Mr. LaRue and Mr. Mardian about the so-called—as you described it, the White House horrors of the Liddy operation and the break-in. Did you, yourself, as the President's adviser and counselor, tell the President what you knew or what you learned?

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. Why didn't you?

Mr. MITCHELL. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.

Mr. DASH. Could it have been actually helpful or healthy, do you think?

Mr. MITCHELL. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.

Mr. DASH. Then it is your testimony that you in fact did not say anything to the President at that time—

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. So whether the President had any knowledge of it, it certainly couldn't have come from his lack of knowledge or knowledge, from any statement that you made to him?

Mr. MITCHELL. That is correct, Mr. Dash.

Mr. DASH. Now, were you aware of the fact that actually prior to Magruder's testimony, Mr. Dean rehearsed Mr. Magruder for his testimony before the grand jury?

Mr. MITCHELL. I do not recall that. Mr. Dash, if you are talking about the testimony that took place on the—

Mr. DASH. In August.

Mr. MITCHELL. In August, the second appearance.

Mr. DASH. The second appearance.

and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re-Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Is that a correct—

Mr. MITCHELL. I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL. I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.

Mr. THOMPSON. Is it just a case of not having asked you the right question?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20, I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories, I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

Mr. MITCHELL. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir, I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them with Mr. Halde-
man?

Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?

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it was then that Mardian hit him on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a couple of days before it happened.

Senator TALMADGE. You did not make any such statement, is that correct?

Mr. MITCHELL. I made the statement and I made it in the context——

Senator TALMADGE. You did not quote Senator Muskie as being the author thereof?

Mr. MITCHELL. I did indeed in connection with respect to the nature of the tough campaign he had and the one that we were having.

Senator TALMADGE. Were you saying that for Mr. Sloan's benefit at that particular time?

Mr. MITCHELL. I was saying it for the total people there who were in a hell of a knock-down-drag-out donnybrook over what they could not agree on.

Now, the sequence is shown by my log that after that meeting Mr. Sloan apparently went back to Mr. Stans, who had received the information about the Liddy payments the day before, I believe, on June 23, Mr. Stans called me, and Mr. Stans came up and saw me alone. There was not any Jeb Magruder and there was not any Mardian in the meeting that according to Magruder I asked Mardian to step out so that I could discuss the matter. That would be the last thing in the world I would do because Mardian was investigating the circumstances at the time.

Senator TALMADGE. Was that the first—excuse me.

Mr. MITCHELL. I am going into this because Mr. Stans' credibility with respect to his knowledge of the Watergate was quite severely impugned apparently more severely in the executive committee meeting by Magruder than it was later in public testimony.

Senator TALMADGE. Was that the first time you had knowledge of the Watergate break-in, bugging that day, that conversation?

Mr. MITCHELL. On the 24th?

Senator TALMADGE. Yes.

Mr. MITCHELL. No, my——

Senator TALMADGE. That was the first time you were debriefed on it, was it not?

Mr. MITCHELL. No, I had been debriefed, Senator, as I mentioned a little earlier, either on the 21st or 22d.

Senator TALMADGE. Did you get full details of it at that time?

Mr. MITCHELL. It was coming from Liddy who was, as I went through with Mr. Thompson, was involving Magruder and said that he got his approval in the White House and a lot of things that——

Senator TALMADGE. Did he say who authorized the approval in the White House?

Mr. MITCHELL. No, he did not. No, he did not.

Senator TALMADGE. The White House was definitely interested in the campaign, of course, was it not?

Mr. MITCHELL. The campaign what, Senator?

Senator TALMADGE. The campaign for reelection.

3. During the week after the break-in at the DNC, Jeb Magruder told Hugh Sloan that Sloan might have to perjure himself regarding his payments to Gordon Liddy prior to the break-in. Magruder told Sloan that Sloan would have to say that he had given only approximately \$75,000 to \$80,000 to Gordon Liddy. Sloan had in fact given Liddy approximately \$199,000.

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information. We did not, of course, know what type of investigation would then be held. And we talked about types of alternative solutions.

One solution was recommended in which I was to, of course, destroy the Gemstone file. So I called my office and—

Mr. DASH. That solution came up as a result of that meeting?

Mr. MAGRUDER. Well, I think yes, it was generally concluded that that file should be immediately destroyed.

Mr. DASH. Now, as to Mr. Dean's participation, by the way, in these meetings, was Mr. Dean operating on his own, or what was your understanding of Mr. Dean's role at these meetings?

Mr. MAGRUDER. Mr. Dean was the person who had worked with us on many of these legal matters. He had brought Mr. Liddy to the meeting. He was a close associate of ours through Mr. Mitchell, and, of course, all of us knew Mr. Dean very well. And he was one person from the White House who worked with us very closely. It was very natural for Mr. Dean in this situation to be part of our meetings at this point in time because of his association and of his background.

Mr. DASH. And would he, from your understanding, be representing any White House interest at these meetings?

Mr. MAGRUDER. I think you would really have to ask Mr. Dean that question.

Mr. DASH. Now, did you instruct Mr. Reisner to destroy any other files?

Mr. MAGRUDER. As I recall, I asked Mr. Reisner to cull through my files, pull out any sensitive material that could be embarrassing to us. There was the suit that was placed against us by the Democratic National Committee that asked for immediate disclosure. As I recall, we all indicated that we should remove any documents that could be damaging, whether they related at all to the Watergate or not.

Mr. DASH. Mr. Sloan has testified before the committee, Mr. Magruder, that shortly after your return and after the break-in, that you asked him to perjure himself concerning the amount of money that Mr. Sloan had given Mr. Liddy. Could you state your own recollection of that discussion with Mr. Sloan?

Mr. MAGRUDER. Well, the first discussion—we had two meetings on Monday. The first meeting was when I determined from him that the money was our money, and we discussed that in his office. And he came up to my office, and in attempting to allay his concerns or to help him in some sense, give some advice, I think, we talked about what would he do about the money.

My understanding of the new election law indicated that he would be personally liable for cash funds that were not reported. These were not reported funds. So I indicated at that meeting that I thought he had a problem and might have to do something about it.

He said, you mean commit perjury? I said, you might have to do something like that to solve your problem and very honestly, was doing that in good faith to Mr. Sloan to assist him at that time.

Now, later we met three times, twice that week and once after he returned from his vacation. That was on the subject of how much money had been allocated to Mr. Liddy. Now, I, in thinking of about 7 months from the time we authorized the funds to the time of the November election, I thought that Mr. Liddy should have received

somewhere between \$100,000 and \$125,000, approximately. That was my guesstimate.

Mr. Porter indicated that he had distributed about \$20,000 or \$30,000 to Mr. Liddy, so I assumed that Mr. Sloan probably distributed somewhere under \$100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Mr. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If we do not know how much you gave Mr. Liddy, how can we determine what the money went for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought we could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was \$199,000 and I was aghast at that figure, because there was no way Mr. Liddy should have received that much money in that short period of time. It was only 2½ months since its approval.

Mr. DASH. Now, Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here, though, that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. MAGRUDER. Well, there were, from the time of the break-in to my second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRue, Mr. Mardian, and Mr. Dean, although many other people met in these meetings. Much of the meetings would be on subjects that were perfectly, I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the coverup story, but it became apparent, when we found out the sums were in the \$200,000 range, that we had to come up with a very good story to justify why Mr. Liddy would have spent that amount of money on legal activities.

McCord was involved. It would have been at some point after that meeting with Mr. Liddy.

Mr. DASH. On or about June 21 or 22 did you have a conversation with Mr. Magruder?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you briefly tell the committee what that conversation was about?

Mr. SLOAN. I forget all of the circumstances surrounding it. I am not positive on the dates but to the best of my recollection, this would be the general time frame, the time period. I forget, I believe he called me to his office. He indicated to me that we are going to have to—or suggested to me a figure of what I had given to Mr. Liddy in the range of somewhere \$75,000 to \$80,000. I do not believe at that point in time I had prepared a summary of the figures so I did not know the precise amount of money that I had given to Mr. Liddy at that point. However, I did know that the sum was considerably larger than that because Mr. Magruder himself had authorized a payment for \$83,000 in one single installment.

I must have indicated to him, well, that just is not the right figure. I did not have the right figure, but that is too low. He indicated to me at that time that I said to him, he must have been insistent because I remember making to him on that occasion a statement I have no intention of perjuring myself.

Mr. DASH. What did he say to you when you said that?

Mr. SLOAN. He said you may have to.

Mr. DASH. Did you have shortly after, either on that day or any day following, a conversation with Mr. Fred LaRue?

Mr. SLOAN. Yes, sir.

Mr. DASH. Who was Fred LaRue at that time?

Mr. SLOAN. He was a special assistant to Mr. Mitchell, who was the campaign director at that time.

Mr. DASH. Could you just briefly give us the content of that conversation?

Mr. SLOAN. I believe by that point in that time there was a general awareness within the campaign that an internal investigation was going on and that Mr. LaRue was conducting it in behalf of Mr. Mitchell.

At that meeting we discussed, I believe, in general terms, and again my recollection, if the timing is right, I would not have the right figure, we were just generally discussing figures cash problems and he specifically mentioned, he asked me whether I received a \$50,000 contribution from Mr. Porter and I said I had, and he said, and this would be after April 7, he said what have you done with it? I said I have done nothing because I do not know who it is from. I am waiting for Mr. Porter to give me the information. He called in Mr. Porter and this was in the context of there is going to be an external investigation, are there any remaining problems, things that could be embarrassing? I was recounting to him there were certain funds we did not have information on, we had done nothing. He called Mr. Porter in and asked him about it and Mr. Porter said he did not know, it came through an attorney in Washington, they did not want to be known, it was an anonymous contribution.

3.3 EARL SILBERT TESTIMONY, APRIL 23, 1974, SJC, SILBERT
NOMINATION HEARINGS, 45-48

1 Senator Hart. I have some questions about Mr. Sloan and
2 Mr. Magruder.

3 At what time and from what source did you first learn
4 of Magruder's discussion with Sloan suggesting a lower figure
5 to Sloan as the total amount given to Liddy by Sloan? Again,
6 I am making reference to materials that are in the record.

7 Did Sloan suggest explicitly or implicitly that Magruder
8 asked Sloan to commit perjury?

9 Mr. Silbert. Senator, first with respect to the time.
10 My recollection of the time would be in the last ten days
11 of July. We had trouble reaching Sloan. Sloan was concerned
12 about his possible exposure under the new campaign election
13 law and it took some time after he had succeeded in retaining
14 counsel to persuade him to cooperate with us. And after we
15 were able to do that, and that was a lot more difficult than
16 just the saying of the hearing indicates, and I don't mean
17 that Sloan was not a cooperative witness, I want to make
18 that clear, it was just he was concerned about his potential
19 criminal and also to a certain extent civil exposure, and
20 he wanted to be sure about that as, of course, did his lawyer.
21 But in the latter, toward the end of July, Sloan as I have
22 set forth in my response, among the number of things he
23 told us, and advised us, indicated that after the break-in
24 and after the arrest, at one time, a couple of times Magruder
25 came to him and asked him what was the amount of money that you

1 gave to Liddy and I believe the first figure was \$45,000.
2 And Sloan I don't think responded to him or answered his
3 question. He came back and then asked him was it \$70,000.
4 And again Sloan did not answer. What he told us was that the
5 two of them went out and had dinner or drinks one night,
6 after work, and Magruder was again pressing him on the amount
7 of money and Sloan said I am going to have to think about it
8 overnight.

9 And then he came back and what he told us was his
10 response to Magruder was, if I am asked whether it was
11 \$45,000; I will say yes, if I am asked whether it was \$70,000,
12 I will say yes; if I am asked what the precise figures is,
13 I will answer that question and I will not consider perjuring
14 myself.

15 That is my recollection in as much detail as I can give
16 you and I think it is a fairly accurate description of what
17 Sloan told us basically both before and in the grand jury.

18 Now, I think that that is your question, what did Sloan
19 tell us?

20 Senator Hart. Where does that leave Magruder as a
21 reliable witness?

22 Mr. Silbert. Well --

23 Senator Hart. Does that give you a problem?

24 Mr. Silbert. "It sure does. And it was on the basis
25 of that that is unusual testimony, I think you will agree,

1 and Sloan's response was at least somewhat unusual, but it
2 was on the basis of that, Senator Hart, and on the basis
3 of the fact that if the conspiracy went higher than Liddy,
4 Magruder was the next logical figure on the rung. Though
5 we didn't have any substantive evidence to show he was
6 involved in the conspiracy, I mean anything you could intro-
7 duce in a case in chief, that I advised him of his constitution-
8 al rights when he came before the grand jury, which is advice
9 that you give a person who is a subject of investigation.

10 And with respect to that particular subject matter,
11 that is, his post-Watergate conversations with Sloan, Magruder
12 said, in his version, as I recall, was similar to what he
13 said before the Senate Select Committee, look, Sloan and I,
14 and this we also knew from Sloan, we did not get along, we
15 were rivals. I wanted to find out from him the amount of
16 money because I couldn't remember. I kept asking him and he
17 wouldn't tell me.

18 I kept going back to him and suggesting one figure,
19 45, one, 70, and I just didn't recall. Finally, he told
20 me, and he told me it was \$199,000. I was flabbergasted
21 at that amount of money, it was more than I thought it should
22 have been, because I had authorized \$250,000 over a period of
23 ten months and we were only halfway through the ten-month
24 period, but he says it was, I accepted it, and that was the
25 testimony before the Grand Jury. But I was not trying to get

1 him to commit perjury, as I am sure you now know, Senator
2 Hart, though Mr. Magruder has acknowledged to us in his
3 secret, in his negotiations he has had with us, and also
4 before the Senate Select Committee, though he did testify
5 falsely both before the Grand Jury and at the trial to a
6 number of matters, that he did not testify falsely on this
7 matter and that he did not try to get Sloan to commit perjury,
8 and that was his version.

9 It was two people coming at the same event from a different
10 perspective, neither one liking one another, based primarily
11 I assume on the fact they were rivals within their campaign
12 organization.

13 Senator Hart. You used Magruder at the trial and rather
14 extensively. Did you have any unease in your mind about that?

15 Mr. Silbert. Well, in my original prosecutive memorandum
16 to Mr. Petersen, before the return of the indictment, because
17 of that problem to which I have just alluded, but I was more
18 concerned with the vagueness of his testimony, the lack of
19 any explanation of the \$250,000. I indicated a reluctance
20 to call Magruder as a witness. My reservations or the reserva-
21 tion about that frankly diminished, the intensity diminished
22 sometime between the return of the indictment and the time
23 of the trial, and, frankly, and the week before or a few days
24 before our opening statement, Senator, coincidentally, one
25 of my colleagues and I came to the conclusion that we really

4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.

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I believe at that point, whether Mr. Porter was still there or not I am not sure, I had a call from my own office from Jane Dannenhauer, my secretary, which indicated there were two agents from the FBI in my office, who would appreciate the pleasure of seeing me at that point. Mr. LaRue indicated that I do not think he should go down there without seeing John Mitchell first. He said wait here, and he went down the hall to Mr. Mitchell's office. He came back and got me and I believe Mr. Mardian was in the room as well.

Mr. DASH. You said Mr. Mardian was in the room with whom?

Mr. SLOAN. With Mr. Mitchell, I entered with Mr. LaRue in Mr. Mitchell's office.

Mr. DASH. Did you have any discussion with Mr. Mitchell at that time?

Mr. SLOAN. Yes, sir.

Mr. DASH. What was that discussion?

Mr. SLOAN. I was essentially asking for guidance. The campaign literally at this point was falling apart before your eyes, nobody was coming up with any answers as to what was really going on. I had some very strong concerns about where all of this money had gone. I essentially asked for guidance, at which point he told me, "When the going gets tough, the tough get going." [Laughter.]

Mr. DASH. Did he say anything else to you?

Mr. SLOAN. Quite frankly, Mr. Dash, that is one thing that really sticks in my mind. I think I left at that point.

Mr. DASH. Did you understand what he meant by that?

Mr. SLOAN. I am not sure I did, but I understood that I was not getting any particular helpful guidance at that point. [Laughter.]

Mr. DASH. You did go downtown; and were you interviewed at that time by FBI agents?

Mr. SLOAN. Yes, sir.

Mr. DASH. And after you were interviewed by the FBI agents, did you again see Mr. LaRue that day?

Mr. SLOAN. With regard to that interview, the FBI concern at that point in time was merely the question of identity of Mr. Alfred Baldwin and none of the questions which were bothering me at that point in time came up in the questioning.

I believe Mr. LaRue came down to my office following that interview essentially to find out what I said and what matters came up.

At that point he indicated to me that, and I do not have the precise words, the sense of the meaning as it came across to me, there was very brief reference something to the effect that the Liddy money is the problem, it is very political sensitive, we can just not come out with a high figure, we are going to have to come out with a different figure. And I said, as I recall, I said if there is a problem, I cannot see that it makes any difference whether it is \$200 or \$200,000, at which point he dropped the conversation.

Mr. DASH. Well, now, Mr. Sloan, apparently, you were becoming concerned. I take it that you were concerned about your own involvement in this matter?

Mr. SLOAN. Yes, sir.

Mr. DASH. What did you do about it thereafter?

Mr. SLOAN. I believe some of these events I am describing today, or a moment ago, the Magruder-Mitchell-FBI meetings probably happened on that Thursday, the 22d, because there was a party that

evening on a boat on the Potomac, with Col. Verne Coffey, who had been the Army aide to the President—and I remember my wife picking me up that day. I assume it was probably the Magruder comment to me which by that point in the day had me, to put it mildly, rather agitated the more I thought about it.

I went to this cocktail party on this boat. I guess my mood would be essentially anger. I sought out at that party a number of people. I talked to Ken Cole, Mr. Ehrlichman's assistant on the Domestic Council, Mr. Chapin, the President's appointments secretary, and Mr. Pat Buchanan, who was a speech writer for the President. I really do not remember the depth with which I expressed my concern with the problem, but I believe I was generally expressing a concern that there was something very wrong at the campaign committee.

Mr. DASH. As a result of that concern, did you in fact have any meetings with Mr. Ehrlichman or Mr. Chapin?

Mr. SLOAN. Yes, sir; Mr. Cole indicated to me that night that I was expressing to him and to Mr. Chapin that I felt that John Ehrlichman and Bob Haldeman should be aware that there was a problem. I do not—in the case of Mr. Chapin—I do not know whether I specifically requested a meeting with Bob Haldeman. I indicated to him that Bob should have this knowledge. He asked me to come see him the next day at noon.

Ken Cole, the next day, called me at some point—I do not know whether he called me himself or somebody in his office, but that John Ehrlichman would like to see me at 2 o'clock that afternoon.

I went to the Chapin meeting. I again—there has been a year here. I do not precisely know what degree of knowledge or what conclusions I had come to at this point. But I believe probably the tone of the conversation was that there is a tremendous problem there, something has to be done.

Mr. Chapin evaluated my condition at that point as being somewhat overwrought and suggested a vacation, which in fact, I was planning to leave on the next week. It had been planned for a long time. He suggested that the important thing is that the President be protected.

In the Ehrlichman meeting——

Mr. DASH. When did that occur?

Mr. SLOAN. That happened around—I believe it was a 12 o'clock meeting on the 23d.

The Ehrlichman meeting—it would have been a Friday. In the Ehrlichman meeting at 2—I started into generally the same discussion of problems.

Mr. DASH. Mr. Sloan, when you say problems, did that include any statements by you about cash disbursements that had been made to Mr. Liddy?

Mr. SLOAN. I do not believe I at that point in time was pointing fingers. I do not believe I mentioned the Magruder remark, I do not believe I mentioned the money to Liddy or the Liddy remark. I just said I believe somebody external to the campaign has to look at this because it raised in my mind at that point possibility of the entire campaign being involved and it——

Mr. DASH. What was Mr. Ehrlichman's response?

Mr. SLOAN. I believe I expressed my concern, my personal concern with regard to the money. I believe he interpreted my being there as personal fear and he indicated to me that I had a special relationship with the White House, if I needed help getting a lawyer, he would be glad to do that, but do not tell me any details; I do not want to know; my position would have to be until after the election that I would have to take executive privilege.

Mr. DASH. Now, Mr. Sloan, on that same day, on June 23, did you make a final report to Mr. Stans concerning your cash disbursements and at about that time, did you discuss with Mr. Stans what should be done about the balance of the cash remaining in the safe?

Mr. SLOAN. Yes, sir.

Mr. DASH. Would you please give the committee a brief report on that?

Mr. SLOAN. Since April 7, Secretary Stans had been pressuring very hard on myself for the preparation of records in the final form that he wanted them as the permanent record of the pre-April 7 period. This was a very mammoth task with regard to all the contributions and so forth that had been received at that point; the problem with producing a cash summary, a summary of all the cash funds that had been handled. When I submitted them to him in an earlier report close after April 7, he wanted to be sure that I went back to every individual on that list and verified with them personally that they acknowledged the amount of money on that list as having been received by themselves, so that there would never be an internal conflict or possibility of somebody saying somebody absconded with some funds. So this took a considerable period of time and the reason for the delay until this late date with regard to this process was that Mr. Herbert Kalmbach—he had been traveling in Europe during this period and this was the first occasion I had to sit down with him since his return and since he had been able to come to Washington to review the figures on that list, the receipts he had from me.

Mr. DASH. But you did on this day give this final report to Mr. Stans?

Mr. SLOAN. Yes sir, I did.

Mr. DASH. Did it show a cash balance still in the safe at the office?

Mr. SLOAN. I could not recollect the final form of this. The problem with the cash balance is that it included \$18,000, with presumably a balance left over out of the Liddy commitment. There was another \$63,000—the 50 I had mentioned before of funds that had come in from the people on the political side of the campaign, who had accepted the contribution on the basis that they would remain anonymous. We did not have the information. We could not accept them that way. We would have to know, for instance, from a \$10,000 contribution what four committees that was to go to. These were pending problems, whether to go back to the individuals, whether they wanted their money back or whether they were willing to be disclosed and give us the information we needed.

Mr. DASH. Do you know approximately how much money was left in the safe at that time?

Mr. SLOAN. Oh, yes, approximately \$81,000.

Mr. DASH. Did Mr. Stans make any statement to you concerning that \$81,000?

Mr. SLOAN. Yes, sir, he did.

Senator ERVIN. Well, they didn't give him a chance. They didn't indict Magruder, and the prosecuting attorneys are reported in the press to have said the evidence showed that nobody was involved except the seven men under prosecution.

Don't you know that?

Mr. EHRLICHMAN. I know, too, that they had Mr. Sloan's testimony before them. He was not believed and in point of fact, you remember in the press, that at the trial, the judge made comments which indicated that he did not believe Mr. Sloan.

Senator ERVIN. Well, it has turned out since he was telling the truth, I think rather strongly, so they certainly had his testimony that Magruder, the Deputy Director, had ordered him to pay this \$199,000 in cash out of Secretary Stan's secret fund and that Secretary Stans had told Sloan to comply with the order of Magruder in this respect after consultation with Mitchell.

Now, I can understand why they don't find out some things that are so outrageous that they don't believe a party. Didn't Mr. Sloan come up and want to tell you about this and you said to him, "I don't want to hear anything about it because if I hear anything about it I will have to take the executive privilege until after the election."

Mr. EHRLICHMAN. I don't know what it was that Mr. Sloan wanted to tell me because after we had talked for a few minutes and I had determined that he felt he had some exposure, but that he had not talked to an attorney, I told him that it would be grossly unfair of me to hear him out until he had had an opportunity to talk with an attorney and take counsel on his own situation.

Senator ERVIN. You were one of the men in the White House who stood in power next to the President, weren't you?

Mr. EHRLICHMAN. I worked for the President there.

Senator ERVIN. Yes, and when an agent, when this treasurer of the Finance Committee To Re-Elect the President came and told you he wanted to tell you about some things that troubled him you refused to listen.

Mr. EHRLICHMAN. Well, I thought I was doing that from his standpoint, Mr. Chairman.

Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn't want to see him tell me something before he had talked to counsel that later on was going to prove his undoing, and you see his wife, Debbie, also worked at the White House and was well known to my wife and me and I just didn't want to see him overreached.

Senator ERVIN. I have got to go and the time is almost up to go over there and vote.

[Recess.]

Senator ERVIN. Before I put another question, I would say that my idea is that it is up to the jury to determine whether a witness is telling the truth instead of the prosecuting attorney.

Did you not call Henry Petersen, the Assistant Attorney General of the Criminal Division, who had general supervision of this prosecution and ask him not to require former Secretary Maurice Stans to go before the grand jury?

DR

WEDNESDAY, JUNE 21, 1972

8:00 HRH office
8:15 Roosevelt Room
10:00 Secretary Richardson
11:20 Richard Valeriani
12:40 President, Gov. Rockefeller, Sen. Javits, Sen. Buckley,
Sec. Volpe
1:00 Lunch with Mrs. E, Pete, Jan, Tom, Jodi, Robbie,
Joan Kimball
2:15 Bonnie Angelo
3:00 Peter Lisagor
3:45 Ken Cole
4:30 John Dean
5:20 Sallyanne Payton
6:45 Car at west basement
7:00 Godspell with family - Ford's Theatre

THURSDAY, JUNE 22, 1972

8:00 HRH office
8:15 Roosevelt Room
9:00 HRH office (MacGregor, Colson, Mitchell)
11:30 JCW, Fairbanks (DDT)
11:45 John Mitchell
12:50 Eureka Forbes (Hawaii)
1:30 Lunch in Mess with Bill Eberle
2:30 Meeting with Republican members of Senate Finance Committee
Senator Bennett's office - 1121 NSOB
6:00 Blair House drop by (Broadcasting group)

FRIDAY, JUNE 23, 1972

8:00 HRH office
8:15 Roosevelt Room
10:00 Theatre - Surrogate briefing
10:30 President, Shultz, Weinberger, CEA
12:30 Press briefing (Higher Education)
1:00 Director Helms, General Walters, HRH
2:00 Hugh Sloan
3:00 Filming of "Day in the Life of the President" - Oval Office
4:00 JDE office - Colson, Magler, Ruckelshaus, Whitaker
6:00 To CIA David

5. On June 23, 1972 Mitchell, Mardian, LaRue and Dean attended a meeting in Mitchell's CRP office. Mardian raised the possibility that since the persons arrested were former CIA people the CIA should take care of its own in furnishing their bail money. It was suggested that Dean determine if CIA assistance could be obtained. Mitchell has testified that to his best recollection the concept of the CIA's providing funds was not discussed in his presence.

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5.3 John Mitchell testimony, 4 SSC 1646.....	125
5.4 John Mitchell testimony, 5 SSC 1899-1900.....	126

tion I was bringing to their attention, that this information was being given to the President.

I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21 when I received a summary report that had been prepared on the investigation to that stage.

I would also like to now summarize to the bottom of the page, and indicate that when—

Mr. DASH. Bottom of page 72.

Mr. DEAN. Seventy-two, correct, and indicate that after I did get possession of the documents, the FBI files, I found them not very meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came over to my office and read the reports, and Mardian, they all reached the same conclusion and I recall Mardian's reaction was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

It was after I showed a copy of the July 21 report to Mr. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Ken Parkinson should also see them.

I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Mr. Dick Moore of the White House staff when he was working on the Segretti matter for Mr. Ehrlichman and Mr. Haldeman.

I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that were sent to me. The FBI files containing the reports never left my office, nor were they shown to anyone in the White House other than Dick Moore when Mr. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

FIRST DEALINGS WITH THE CIA

I will turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Mardian first raised the proposition that the CIA could take care of this entire mat-

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

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dian. And she said, apparently, as I recall, she had to terminate the conversation. She said she couldn't talk to them. He asked why, and she said, my husband says he is a straight arrow and not to have anything to do with him.

The third instance was an occasion in my office—and my office was used by the attorneys because it did have an office and an anteroom. That is generally where they were. I was getting increasingly involved back into the campaign. Mr. Bittman and an associate from his office came there while Mr. Parkinson and Mr. O'Brien were there, and after exchanging pleasantries with Mr. Bittman—I had not met him before—I had to leave. But before I left, Mr. Bittman said something about his client was very upset about his attorney fees or something to that effect.

Later, we were having a meeting in the conference room with all of the attorneys from the two offices, and I happened to arrive at the same time that Mr. Parkinson arrived.

I said, I asked him, what was all that about? And he said, oh, nothing—he was saying it facetiously—Bittman wants \$25,000 attorney fees. He thinks, his client thinks, that the committee ought to pay it.

I told him I thought it was blackmail. And Mr. Parkinson, I think, concurred.

We could not talk any further about it. I thought that was the end of the discussion, and we went into the meeting with the firm of attorneys.

Mr. HAMILTON. Mr. Mardian, are these the only three discussions that you recall regarding money?

Mr. MARDIAN. The only three and I never heard of any money or money demands other than those three occasions.

Mr. HAMILTON. Mr. Mardian, I would like to read you a portion of Mr. Dean's testimony and ask you to comment on this, please. Mr. Dean was responding to a statement found in what is now known as the Buzhardt memo which reads like this:

It was Dean who suggested to General Walters on January 6th that CIA pay the Watergate defendants while in jail.

and Mr. Dean in commenting on this particular passage said this:

I believe I have explained that, Senator, in that I reported also at one point in time to Mr. Mitchell and Mr. Mardian about the Gray theory. That theory prompted Mr. Mardian, as I recall, to suggest that the CIA might be of some assistance in providing us support, and he also raised the question that the CIA might have a very proper reason to do so because of the fact that these were former CIA operatives.

Mr. Mardian, do you remember a conversation of this sort?

Mr. MARDIAN. I do not recall that conversation. I do recall a discussion and there may have been discussions concerning CIA involvement, and I can tell you that whatever point in time that was that it was my opinion that the CIA was involved for a number of reasons, and I do not recall any money demand as such, but the only ones I recall are bail, bail the defendants out, and I may have said, "CIA ought to take care of its own people," or it is "a CIA problem and not a committee problem." That is, would be, my best recollection.

Mr. HAMILTON. Did you become aware in the summer of 1972 that Mr. Herb Kalmbach was going to be asked to raise money for the Watergate defendants?

Mr. MITCHELL. June 28. You see, Mr. Dean had testified that they had been playing games with the CIA up to the 28th. Then, Mr. Dean testified that there was a meeting in my office with Mardian, LaRue, and Mitchell and I do not know who all else including Mr. Dean in the afternoon of the 28th in which it was decided, naturally Mitchell was always deciding these things, according to Dean, that the White House, somebody in the White House, John Ehrlichman should call Kalmbach and ask him to fly back from California that night of the 28th, which led to their meetings on the 29th. The only problem with all of that was that I was in New York and could not have been at such a meeting, and I was not aware of it.

Mr. THOMPSON. I believe your logs reflect that, Mr. Mitchell. I think that—

Mr. MITCHELL. I would hope so because I have been so stating for quite some time.

Mr. THOMPSON. It reflects that, according to your logs, you were in New York on the 28th.

Mr. MITCHELL. Yes.

Mr. THOMPSON. And that you arrived in the District of Columbia at 5:30.

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. There is no indication of any meeting after 5:30.

Mr. MITCHELL. That is correct.

Mr. THOMPSON. And I assume there was none.

Mr. MITCHELL. The passenger that I had with me coming back from New York was not about to allow me to go to any more meetings on that particular day. [Laughter.]

Mr. THOMPSON. I am not going to pursue that any further.

Getting back to your knowledge of the money, perhaps my question should have been, "When was the first time that you heard of the need for the payment of money," and I ask it because of this: Dean testified that the first time he heard any discussions of the need for money to take care of those who were involved in the break-in was in a meeting which occurred on either June 23, Saturday, or June 24 attended by Dean, Mardian, LaRue, and yourself.

Mr. MITCHELL. That is quite possible because as I recall the conversation of Mr. Liddy that he had with Mr. Mardian and LaRue, he was hopeful that these people that he at that time, of course, was not in jail, not suspect, and was still working for the committee, I do not know whether he was suspect or not, in any event, he was still working for the committee until the 28th of June, he was—he talked to Mardian and Liddy about the hope that somebody could provide bail for these five people who had been arrested, and the thought was that the committee should do it and, of course, that was immediately turned off, the committee would not do it and, of course, obviously could not do it under the existing statutes. Now, what developed out of that with respect to Mr. Dean's concept of it or what he heard about it, whether he heard that story or what I do not know but that is the first point in time at which the subject matter was ever discussed.

Mr. THOMPSON. The points that concerned you were the fact that early on the discussions about the money were taking place, or the need for money, and also Mr. Magruder's testimony. I believe he testi-

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Mr. MITCHELL. Oh, excuse me. I misunderstood your question.

Most assuredly, we discussed quite widely the impact a letter from the Justice Department in such a situation would have on the committee and its membership.

Mr. DASH. I am puzzled, about your distinction between your efforts you said you were going to make, some sort of coverup of the White House horrors that you have described and the Watergate break-in and the defense against the civil suits themselves. You seem to draw a distinction about the activities that took you away from some of this discussion of the White House horrors or other activities because of your being involved in the discussion of the civil suits. Now, actually, was not the strategy against the civil suits the same kind of coverup activity? Would it not be true that full disclosure in the Democratic National Committee suit could result in unraveling all the things that you wanted to be not unraveled?

Mr. MITCHELL. Well, if I understand your question, Mr. Dash, it was our strategy to limit the progress of the civil suits as much as possible, certainly before the election. We knew that they would come afterwards, and of course, the civil suits, of course, related to the criminal trial which was subsequently, I believe, determined by the judge handling it. And there was a strategy to keep the civil suits from proceeding, yes, sir.

Mr. DASH. And then one of the policies behind that strategy was the similar policy you had on the other matters of keeping the lid on from having these things come out.

Mr. MITCHELL. Well, this, of course, included the Common Cause suit and whatever other suit, the Nader suit I guess it had to do with.

Mr. DASH. Right, and these discussions concerning what the strategy should be concerning the civil suit deals with what kind of testimony should be given at the depositions.

Mr. MITCHELL. No; I think—not in the meetings that I had. They were handled by the lawyers with the individuals who were to testify.

Mr. DASH. Now, around that same time, and I am now speaking still around the late June period, and perhaps early July, did you at any time after June 17, suggest that the CIA might be—or suggest not to the CIA but to Mr. Dean or to anybody else in any of those meetings—that the CIA might be a good source of coverup moneys for lawyers' fees?

Mr. MITCHELL. No, sir, I did not and, of course, I think Mr. Dean testified, and I do not know whether his testimony is accurate or not, he started out placing that in my lips and wound up with it with Mr. Mardian. Now this may be a perfectly honest mistake on his part. There were discussions, of course, as I testified, I think on the first day here, about, the question was the CIA involved. The newspapers were filled with it, the individuals that were involved had worked for the CIA, there were a number of such matters but the concept of the CIA's supporting or providing funds in connection with this activity was not discussed in my presence, to my best recollection.

Mr. DASH. Now, your log—

Mr. MITCHELL. Excuse me, Mr. Dash, if I might add to that because I think we discussed it on Monday, the meeting in which Mr. Dean places this conversation having come from the CIA meeting that had never took place and, of course, I was not in the city, so I could not have heard of his discussions about CIA support.

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Mr. DASH. But it is your testimony that on no other day when you were present in these meetings with Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder, or any other persons who were meeting with you regularly did a discussion take place on your part or on any other's part that the CIA might be a good source for funds?

Mr. MITCHELL. Not the CIA for the source of support, money for bail or defending or whatever it is. There were discussions or questions really, about what was the involvement of the CIA.

Mr. DASH. Now, your log shows from June 17 all the way to August 29 certainly and thereafter, but certainly to August 29, you had almost daily meetings with John Dean and sometimes twice or three times a day, and you knew, I think, from your testimony before this committee, what Mr. Dean was doing during this time, that he was serving as a liaison between you and Mr. Haldeman or Ehrlichman, White House people, and that he was not making any investigation of the Watergate case for the President. Yet, on August 29, the President did make an announcement that Mr. Dean had made an investigation to give him a report. What was your reaction to that announcement knowing, by having been meeting with Mr. Dean almost on a daily basis during that whole period of time that he was doing nothing?

Mr. MITCHELL. Well, Mr. Dash, I think your question provides an assumption that I am not willing to accept. It is perfectly conceivable in my mind so far as the involvement of personnel in the White House were concerned, that Mr. Dean was making such an investigation as to the involvement of people in the White House, and I think that was the context of the statement of August, whatever date it was.

Mr. DASH. Well, as a matter of fact, didn't Mr. Dean discuss with you what he was doing? You said he met with you regularly, he was at your meetings, and if he were making such an investigation, would you not know about it?

Mr. MITCHELL. I think Mr. Dean was making an investigation with respect to the involvement or potential involvement of individuals in the White House in the knowledge of the Watergate break-in or participation.

Mr. DASH. His testimony was that rather than make an investigation he was engaging in a coverup.

Mr. MITCHELL. Well, I don't doubt that for a moment, and I have so stated here, that there was that aspect of it. Now, the coverup is an entirely different thing, and the statement made by the President with respect to the involvement of individuals in the Watergate affair and prior to the June 17 or at the June 17 activities, and I think that was the thrust of the statement.

Mr. DASH. Well, you know from what Mr. Dean I think has testified or may have indicated to you is that on June 19 that Mr. Strachan had admitted to him that he had destroyed certain intelligence papers. Did Mr. Dean tell you about that?

Mr. MITCHELL. Yes, he did eventually.

Mr. DASH. Eventually. When did he tell you this?

Mr. MITCHELL. I am not quite certain.

Mr. DASH. Was it before August 29?

Mr. MITCHELL. I can't say that for sure, Mr. Dash, but he did somewhere along the way.

6. On or before June 26, 1972 John Ehrlichman told CIA Deputy Director Vernon Walters that John Dean would be Walters' White House contact on matters affecting Watergate. On June 26 or 27, 1972 Dean met with Walters and discussed the possibility of using the CIA to provide funds for the bail and salaries of persons involved in the break-in at the DNC headquarters. Walters rejected the suggestion. On the morning of June 28, 1972 Dean repeated the suggestion to Walters that the CIA assist the persons arrested. Walters again rejected the suggestion.

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6.4 Memorandum for record from Vernon Walters, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.....	140
6.5 Memorandum for record from Vernon Walters, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818.....	142

any of these circumstances led to a disclosure of CIA operations, dis-associated from the Watergate, that, too, would be awkward.

It was there that we did not get the same kind of flat assurance that we had gotten in the first instance, and so rather than for us to probe that for dates and places and names, it was simply agreed that General Walters would make an early appointment with Pat Gray and sit down and talk with him about what the problem might be, and that is what was done.

The outcome of those talks, and I guess there were two or three of them, was simply that Walters and Gray agreed that there was no problem, and Gray then talked with the President on the phone, when the President was in San Clemente, I believe, on the 6th, and then the President, very shortly after that, told me about the telephone call, what his instructions to Gray had been, and then he explained to me what his concerns were about this rather nearly in the terms that I have just explained them to you.

Mr. THOMPSON. Did he say his concerns were that there was CIA involvement with regard to the Watergate break-in or there was unrelated CIA involvement which might be exposed?

Mr. EHRLICHMAN. Well, he said in the inception, in the beginning, that had been, both had been, his concern, because of the fact that some of these people who had been arrested had had CIA connections in the past, and the information that had to come to him persuaded him there was at least a potential problem.

Mr. THOMPSON. Did Haldeman ever tell Walters or Helms to go to Gray and tell him to in effect "hold off, slow down with regard to the Mexican investigation because of CIA involvement?"

Mr. EHRLICHMAN. No. My recollection—no, the answer to that is naturally "no."

My recollection is that the Mexican investigation was one of the things that was discussed and as to which Mr. Helms and General Walters could not give us a categorical assurance that FBI investigation wouldn't create problems for them so that it was simply noticed as one of the kinds of problems that might arise in which General Walters and the Director of the FBI ought to compare notes on.

Mr. THOMPSON. So in other words, you were merely presenting it to him, according to your testimony, to find out whether or not there would be CIA embarrassment possibly, and it would be for them to work the matter out, report back, so the matter could be resolved.

Mr. EHRLICHMAN. Not even report back in that sense, reporting back to us. As a matter of fact, we said at that point, look, we are out of this; we just wanted to crystalize this, wanted to get you together with the FBI. The White House contact on this would be John Dean, who was the fellow following this entire matter. So in effect, we turned General Walters and Mr. Helms over to Dean for any future contacts that they might have on it.

Mr. THOMPSON. You would not know whether or not John Dean on June 7 went to Walters and told him that it would be good if the CIA could help raise bail money, could help raise some salary money, that the witnesses were wallowing and could be in trouble?

Mr. EHRLICHMAN. I read that in the newspaper and it really surprised me when I read it. So I wondered at the origin of this until I heard Mr. Dean's testimony, which was that he had been asked by Mr.

Mitchell to do this. I had in effect set this up without knowing it by telling Walters that Dean was his White House contact from that day forward. But I did not know about these conversations.

Mr. THOMPSON. Dean did not report back to you?

Mr. EHRLICHMAN. Not about that; no, sir.

Mr. THOMPSON. Did you have occasion to call Mr. Gray to call off a meeting which he and Walters scheduled on June 28, to tell him that the meeting would no longer be necessary, that matters had been worked out some way?

Mr. EHRLICHMAN. Well, I didn't realize that I had canceled it. My strong concern about that meeting was that it was going to include some staff members from the FBI and as I say, we were experiencing these leak problems and right at that particular time, one of the people who would have been included in that meeting was under very strong suspicion as being the source of that leak. We had had independent information which we were talking to Mr. Kleindienst about, about that specific individual and it appeared that this whole thing was going to include him. So that was the reason for my call.

Mr. THOMPSON. Did you ask precisely who would be in attendance at the meeting?

Mr. EHRLICHMAN. Yes. Well, I don't know as I asked him. I think I was told. As a matter of fact, I think Mr. Dean told me.

Mr. THOMPSON. Did you tell Mr. Gray of your suspicions or concerns about the individual?

Mr. EHRLICHMAN. Not at that time.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Because at that time, we were talking with Mr. Kleindienst about how to go about smoking out this problem around Mr. Gray, frankly.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Why?

Mr. THOMPSON. Why around Mr. Gray?

Mr. EHRLICHMAN. Because Mr. Gray at that time was not acknowledging the problem.

Mr. THOMPSON. You had spoken to him about it?

Mr. EHRLICHMAN. Oh, I had spoken to him about the leaks. I hadn't spoken to him about this specific man in this specific meeting until this call. Mr. Kleindienst and I discussed on several occasions how we might go about determining the source of the leak. He proposed the idea of planting a story or a set of circumstances and seeing if it turned up and this kind of thing. So we were dealing with the Attorney General on that.

Mr. THOMPSON. Did you talk to Walters about this meeting?

Mr. EHRLICHMAN. I don't believe so. I don't believe I talked to John Walters again—

Mr. THOMPSON. Could not Gray and Walters have had a meeting, the two of them, to solve the problem?

Mr. EHRLICHMAN. Yes, that was the whole idea.

Mr. THOMPSON. Was that suggested?

Mr. EHRLICHMAN. That was suggested in the inception.

Mr. THOMPSON. You didn't tell him that the meeting would not be necessary?

Mr. EHRLICHMAN. I don't recall what I told him, except that—

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afternoon or whether it was complete^d Monday morning, but it was soon clear to me that nobody who was responsible for that area in the Agency felt that the ongoing FBI investigation could jeopardize any of the Agency sources or activities in Mexico.

Mr. DASH. Well, now, did you subsequently receive any communication from anybody at the White House after June 23?

General WALTERS. On Monday morning, June 26, I received a phone call from a man who identified himself as John Dean and he said he wished to speak to me about the matters that Mr. Haldeman and Mr. Ehrlichman had discussed with me on Friday. I did not know Mr. Dean. And I expressed so—something to the effect that I don't know who you are and he said, "Well, you can call Mr. Ehrlichman to see whether it is all right to talk to me or not."

Mr. DASH. Did you call Mr. Ehrlichman?

General WALTERS. I called Mr. Ehrlichman. I had some difficulty in reaching him but finally I reached him and I said: "A Mr. John Dean wants to talk to me about the matters discussed with you and Mr. Haldeman on the preceding Friday" and he said: "Yes, it is all right to talk with him. He is in charge of the whole matter."

Mr. DASH. Did you then meet with Mr. Dean on that day?

General WALTERS. I then—

Mr. DASH. The 26th.

General WALTERS. I then called Mr. Dean again and he asked me to come down and see him, I believe, at 11:30 or 11:45. I believe it is indicated on the memorandum I wrote.

Mr. DASH. Will you relate to the committee the conversation you had with Mr. Dean at that time, on June 26, 1972?

General WALTERS. Mr. Dean said that he was handling this whole matter of the Watergate, that it was causing a lot of trouble, that it was very embarrassing. The FBI was investigating it. The leads had led to some important people. It might lead to some more important people.

The FBI was proceeding on three hypotheses, namely, that this break-in had been organized by the Republican National Committee, by the Central Agency, or by someone else; whereupon I said I did not know who else organized it but I know that the Central Intelligence Agency did not organize it. I said, furthermore—I related to Mr. Dean my conversation with Mr. Haldeman and Mr. Ehrlichman on the previous Friday, and told him I had checked within the Agency and found there was nothing in any of the ongoing FBI investigations that could jeopardize CIA activities or sources or compromise them in any way in Mexico.

He then said, "Well, could this not have happened without your knowledge?" "Well," I said, "originally perhaps, but I have inquired. I have talked to Mr. Helms and I am sure that we had no part in this operation against the Democratic National Committee."

He kept pressing this. There must have been. These people all used to work for the CIA, and all this thing. I said maybe they used to, but they were not when they did it and he pressed and pressed on, on this and asked if there was not some way I could help him, and it seemed to me he was exploring perhaps the option of seeing whether he could put some of the blame on us. There was not any specific thing he said but the general tenor was in this way and I said to him—I did not have an opportunity to consult with anybody—I simply said,

Mr. Dean, any attempt to involve the Agency in the stifling of this affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

This seemed to shock him somewhat. I said that anything that would involve any of these Government agencies like the CIA and FBI in anything improper in this way would be a disaster for the Nation. Somewhat reluctantly he seemed to accept this line of argument and I left.

Mr. DASH. Now, General Walters, since you had made the check prior to seeing Mr. Dean concerning whether in fact any FBI investigation in Mexico would seriously or not seriously involve any covert activities of the CIA, and you reported that to Mr. Dean at this meeting, did you believe that you were responding at that meeting then to the concern that you had received at the earlier meeting from the statement from Mr. Haldeman?

General WALTERS. Yes, Mr. Dash, I did. At the risk of perhaps seeming naive in retrospect it did not occur to me at that time that Mr. Dean would not tell Mr. Gray. Mr. Gray was in touch with Mr. Dean. Mr. Dean told me he was in touch with Mr. Gray. In retrospect I should, of course, have called Mr. Gray directly. I regret that I did not.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Mr. Dean, that Mr. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. I think when you were testifying just a little while ago you said that you may have incorrectly put in your memorandum of the June 26 meeting something that should have been in another meeting. I want to show you your memorandum or a writing that appears to be a memorandum prepared by you on June 28 dealing with the conversation you had with Mr. Dean on June 26 and ask you if you want to make a correction as to that memorandum for the record. You will notice, General Walters, that there is an excised portion of that memorandum which has been cut out and on our receipt of that, it appeared to be matters which dealt with national security and, therefore, was excised.

General WALTERS. Fine. I am very appreciative of the committee for doing this.

Yes, it does. If I were to make a correction somewhat complicated it would really be that the fourth paragraph, the sixth and seventh paragraphs belong to the conversation of the 27th rather than the conversation of the 26th.

Mr. DASH. And that dealt with the question of money, bail money from the CIA.

General WALTERS. That is correct. This is a correct copy.

Mr. DASH. It is a correct copy of your memorandum?

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, could we have that memorandum marked as an exhibit and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 130.*]

Mr. DASH. After that meeting with Mr. Dean on June 26, did you report back to former Director Helms?

General WALTERS. I did. I told Mr. Helms generally what had transpired and he approved of my firm stand with Dean and I related in some detail the various matters that I had discussed with Mr. Dean and the fact that I had told Mr. Dean that no Agency assets would be compromised by the pursuit of the FBI investigation in Mexico.

Mr. DASH. I think you mentioned earlier that you did again meet with Mr. Dean. When did you next meet with Mr. Dean?

General WALTERS. On the following morning, June 27, I received another telephone call from Mr. Dean summoning me down to his office. I went down to Mr. Dean's office. I believe the time is indicated in the memorandum, 11:30 a.m.

Mr. DASH. I think 11:45 a.m.

General WALTERS. 11:45 a.m., and Mr. Dean said that the investigation was continuing, that some of the suspects were wabbling and might talk and I said, "Well, that is just too bad but it has nothing to do with us because nothing that they can say can implicate the Agency." So he again said, "Have you not discovered something about Agency involvement in this matter?" And I said, "No, I have not discovered anything about Agency involvement in this matter." He said, "Is there not something the Agency can do to help?" I said, "I do not see how we can be helpful." Then he said, "Well, would there be any way in which you could go bail or pay the salaries of these defendants while they are in jail?" And I said, "No way. To do so would implicate the Agency in something in which it is not implicated. I will have no part in this."

Again I went through the reasoning of the appalling effect it would have. I made plain to him that if the Agency were to intervene in this, it would become known in the leaking atmosphere in Washington, that it would be a total disaster, and I would like to say, if I may at this point, that I have not spent the whole of my adult life in the Central Intelligence Agency. I joined it for the first time in May of 1972. But I am convinced that an effective CIA is essential if the United States is to survive as a free and democratic society in the rough world in which we live, and I was determined that I would not see it destroyed or implicated as might be desired in this business. I further told Mr. Dean that when we expended funds, covert funds within the United States, we were required to report this to our congressional oversight committees and this seemed to cool his enthusiasm considerably. We had a few more discussions and again he asked me whether there was any way we could be helpful and I said, "No, we could not be."

Mr. DASH. Did you, by the way, at the meeting on June 28—do you have a copy of your memorandum with you?

General WALTERS. Yes, I do.

This is the meeting of the 28th or the memorandum written on the 28th?

Mr. DASH. No. The meeting of the following day, the meeting you have just testified to.

General WALTERS. On the 28th: yes, I do.

*See p. 3316.

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Mr. DASH. Yes. First let me show you your copy of a memorandum you prepared on June 29 of your meeting on June 27 and ask if this is a correct copy of that meeting.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, if we can have that marked for identification and received.

Senator ERVIN. That will be marked and appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 131.*]

Mr. DASH. All right, now General Walters, the very next day, it appears that you had another meeting with Mr. Dean.

General WALTERS. That is right.

Mr. DASH. Did you report to former Director Helms on your 27th meeting?

General WALTERS. Mr. Helms was extremely interested in this whole business and I reported to him immediately returning to the Agency on each occasion.

Mr. DASH. On the 28th when you began to write these memorandums, could you tell the committee what caused you to begin to put this down in writing?

General WALTERS. Well, as soon as he broached the question of bail and paying the salaries of these defendants, I realized that for the first time there was a clear indication that something improper was being explored, and I discussed this with Mr. Helms and we agreed, again I don't know whether he or I suggested it, that we write the memorandum, that I wrote the memorandum on these meetings and kept a record of them and that is how the memorandums came to be recorded. It will be noted I wrote practically five of them on the same day to catch up with the past.

Mr. DASH. Yes.

The meeting on the 28th it appears was a fairly significant meeting because it was a followup again of a third meeting that you had with Mr. Dean. Do you have a copy of that memorandum?

General WALTERS. Of my meeting of the 28th?

Mr. DASH. Yes; which you prepared on June 29, 1972.

General WALTERS. Yes, I do have it.

Mr. DASH. Would you read that memorandum in full, General Walters?

General WALTERS [reading]:

On 28 June at 11:30 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting—

That is Director Helms' meeting—

with Patrick Gray, FBI Director, was canceled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people—Ken Dahlberg and a Mexican named Guena. Dean said that the \$89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

*See p. 3818.

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Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be toward Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of Agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Mr. DASH. First, General Walters, where was this meeting to be held on June 28 which was canceled?

General WALTERS. I did not know, Mr. Dash, I did not know what he was talking about. I presume some arrangement outside of me had been made for Director Helms to see Mr. Gray.

Mr. DASH. But in any event, as your memorandum shows, Mr. Ehrlichman had indicated he had preferred Gray meet with you on an ongoing basis.

General WALTERS. This is what Mr. Dean said.

Mr. DASH. Could you tell the committee at least what your impression was concerning that part of your memorandum—where you said this meeting is mostly concerning a Cuban conspiratorial plot and Dean's statement that he agreed that this was the best tack to take but it might cost a half million dollars.

General WALTERS. Yes, Mr. Dash.

Dean went back at this point in the conversation, as I remember it, to the three hypotheses and he was sort of saying, "Who could have done this, who could have done this." He did not indicate at any time that he knew where the origin of this was. Quite frankly at this point my principal purpose was to divert him from pursuing the option of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected in 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Mr. Dean, obviously understood this as a suggestion of mine that he should try to blame the Cubans. In retrospect, as is so often said here from this table, I should have corrected him. Frankly, I was so relieved at seeing him apparently abandoning the idea of involving the Agency or at least retreating on the idea of involving the Agency that I did not correct his impression when he said he obviously thought I was suggesting that he could buy the Cubans.

Mr. DASH. Would that be the inference that Mr. Dean's statement that it might cost a half million dollars would actually require paying somebody off or take this position?

ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

it could, of course, be done, he told me that he knew the Director's feelings about such a matter and the Director would only do it on a direct order from the President. He then went on to say that to do anything to compound the situation would be most unwise and that to involve the CIA would only compound the problem because it would require that the President become directly involved.

While I cannot recall in detail everything General Walters told me, I do recall that his argument was most sound and very persuasive. I told him I agreed with his position fully and I had merely been asked to explore the potential, which he very rightly stated was too great a risk. As the discussion ended I asked him that if he had any further ideas and told him I would appreciate the benefit of his thoughts. I thanked him for his coming over and his candid answers and he departed.

Subsequent to my meeting with General Walters, I reported back to Ehrlichman that Walters had informed me that any involvement by the CIA in this matter was impossible. I recall that when I reported this to Ehrlichman, he very cynically said "very interesting". He told me that I should talk with General Walters further and push him a little harder to see if the CIA couldn't help out, particularly with regard to the unnecessary pursuit of investigative leads. I also recall Ehrlichman saying something to the effect that General Walters seems to have forgotten how he got where he is today.

I would like to skip the paragraph on page 77 regarding the call from Gray, and turn to the last paragraph on 77.

I received a phone call from Gray on June 27 in which he expressed both concern and confusion about his determining if the CIA was or was not concerned about the FBI investigation. I was also confused by Gray's call and do not recall at this time what, if anything, I did after I received it. However, I do recall that Ehrlichman had mentioned to me that he wanted Gray to deal with General Walters rather than Director Helms. Apparently this was the cause of the confusion on Gray's behalf.

On the morning of June 28 I arranged again to meet with General Walters. I was first embarrassed about requesting the meeting because he had been most explicit and convincing to me at the first meeting. I told him that I requested the meeting at Ehrlichman's behest to further discuss the problems of the Dahlberg and Mexican checks. I told him what I knew about the matters and that, to the best of my knowledge, they were not related to the Watergate incident. I then asked him if he had any suggestions. He expressed sympathy over the situation, but said there was nothing his agency could do. He again explained reasons similar to his earlier comments regarding CIA involvement and I expressed my understanding. I then asked him if he had any ideas at all and he said that it might be possible to explain the matter as an anti-Castro activity. We had some general discussion of this, but nothing concrete emerged from the discussion. Before Walters departed I assured him that I agreed that it would be most unwise to involve the CIA, and I thanked him—almost apologetically—for coming by again. At no time did I push him as I had been instructed.

At the conclusion of this meeting I was totally convinced, as I had

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and reelection committee as a result of the Watergate incident.

I subsequently informed Ehrlichman and Haldeman that unless the President directly ordered the CIA to provide support for those involved that the CIA was not going to get involved. I told them I agreed with Walters that this would be a terrible mistake and they both told me they agreed.

TRANSMITTING THE MATERIALS IN MR. HUNT'S SAFE TO THE FBI

I would now like to explain the transmitting of the materials in Hunt's safe to the FBI. As I noted earlier, shortly after the FBI interview on June 22 of Colson, and my later instructions from Ehrlichman to "Deep Six" the briefcase and shred documents, I had informed the FBI that I would forward the material found in Hunt's office. After weighing the implications of Ehrlichman's instructions to destroy the items I decided that I would not engage in any such activity myself or be pushed into it. Accordingly, I asked David Young to return the State Department cable to my office. I had already returned the briefcase from my car trunk to my office.

I received several calls from the FBI requesting the material, but I had not yet figured out how to tell Ehrlichman I was not going to destroy the material. I knew I had to develop a good argument to give Ehrlichman as to why the materials should not be destroyed. On June 25 or 26 I went to Ehrlichman to explain that I thought the men who drilled the safe had probably seen the briefcase, that the Secret Service agent who was present had probably seen some of the material; that Mr. Kehrl and Fielding had seen it—and what would happen when all those people were later asked by the FBI about the contents of the safe. Then, I said I felt we must turn over the material to the FBI. With regard to the sensitive documents, I suggested that they be given directly to Gray. I told Ehrlichman that, if ever asked under oath, I had to be able to testify that to the best of my knowledge, everything found in the safe had been turned over to the FBI.

The FBI agents came to my office, I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 28th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

I went to Ehrlichman's office just before Mr. Gray arrived. I placed the envelopes on the coffee table in his office. When Gray arrived, Ehrlichman told him that we had some material for him that had come from Hunt's safe. Ehrlichman described it as politically sensitive, but not related to the Watergate. I told Gray that Fielding and I had gone through Hunt's documents and had turned over all the materials to the agents except the documents in these two envelopes.

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EXHIBIT NO. 130

28 June 1972

MEMORANDUM FOR RECORD *W*

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee.
2. It was organized by the CIA.
3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. [

] I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling". I said that even so they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.

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I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten itself involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair, if the Agency were to provide bail and pay salaries, this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be so.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully cognizant of the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters
Lieutenant General, USA

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EXHIBIT NO. 131

29 June 1972

MEMORANDUM FOR RECORD

At 1145 on 27 June 1972, I saw John Dean at his office in the Executive Office Building.

I told him that I had spoken to Director Helms and found that what I had said to Dean the previous day did indeed reflect Helms' views accurately. That he felt any involvement of the Agency would be most counter productive and furthermore, we had a legislative constraint about the expenditure of our funds within the United States. We had to clear them with the Chairmen of the CIA Oversight Committees in both House and Senate. This visibly lessened his enthusiasm.

I then repeated my arguments that this caper while presently seeming very large would be overtaken by other spicier developments. Unfortunate though its consequences might be currently, Agency involvement by direction at the highest level would undoubtedly become known sooner or later and would then reach to people who were still uninvolved. He nodded. I said that my mind boggled that such risks as those involved in this caper could have been taken for such an unremunerative target. Involving the Agency would transform what was now a medium-sized conventional explosive into a multi-megaton explosion and simply was not worth the risk to all concerned.

Dean thanked me looking glum and said he agreed with my judgment in all of these matters.

Vernon A. Walters
Lieutenant General, USA

7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from \$50,000 to \$100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

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MONDAY, JUNE 26, 1972

8:00 HRH office
8:15 Roosevelt Room
10:00 Colson, MacGregor
11:00 President
12:25 John Dean
12:45 Randall Smith (publisher of National Journal)
2:30 Roosevelt Room - p.r. group
3:30 President, Shultz, Weinberger, Stein (budget)
6:00 Tennis with Hullin, Mrs. E. Hruska

TUESDAY, JUNE 27, 1972

8:00 HRH office
8:15 Roosevelt Room
9:55 President
10:00 President, Republican Members of Senate Finance Committee
12:00 Bruce Agnew (Business Week)
12:30 Fred Malek
1:00 Lunch in Mess with Jan, Pete, Barb Preve
2:00 Robert Toth (LA Times)
4:15 Klein's group of local anchormen - EOB Conference Room

WEDNESDAY, JUNE 28, 1972

8:00 HRH office
8:15 Roosevelt Room
10:45 John Dean
12:30 Joan Sullivan, Susan Engstrom (Santa Monica High School)
2:10 John Dean
2:30 President
3:45 Weinberger's office - HRH
4:55 Tennis with Vernon Jordan (Urban League), Hullin, Young
6:30 L. Patrick Gray, III, John Dean

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Mr. EHRLICHMAN. Well, of course, the President has many, many channels of information in and he gives instructions to a number of people besides me on a whole range of subjects. So I wouldn't want you to have the impression that he depended on me as the sole source of his information or the sole conduit for his instructions, either one.

I became aware of a very active concern, and a very active practice on the part of Mr. Dean and his colleague, Mr. Fielding, to counsel people who had in some way been associated with the special unit in one way or another, that when they were interviewed by the FBI, this was a subject that was impressed by the President with a very high security classification. That would have been—the FBI really was conducting interviews in the White House in the month of June and on into July. I think they finished for all practical purposes their intensive investigation in the White House during the month of July.

Mr. THOMPSON. Would he not normally have expressed his concern to you, whether or not he was getting any information from you, since he looked to you for supervision of this group? Would he have not expressed his concern to you about in effect, your former employees?

Mr. EHRLICHMAN. Would he not?

Mr. THOMPSON. Did he not?

Mr. EHRLICHMAN. I can't recall that he ever did, Mr. Thompson.

Mr. THOMPSON. I believe you did state that early on, you felt like you had standing instructions that these matters of national security involving the plumbers were matters which were not to be exposed.

Mr. EHRLICHMAN. Yes, sir; I have a very clear recollection of a conversation with the President around the first of 1971, in which he made that very, very clear.

Mr. THOMPSON. But you had no personal concern until March of this year that—what? Either that those matters would be exposed or if they were exposed, that they would have any significant repercussions?

Mr. EHRLICHMAN. I think the former. I had rested secure in a passive sense—this wasn't something that was on my mind a great deal. But I had felt that this was a set of subjects of real delicacy in terms of national security and that really, if there were any subjects that would not be talked about freely or find their way into the public domain, that this is one of those sets of subjects that would not. And I didn't have any conscious concern that anybody involved in it, Hunt and Liddy included, would have told those—

Mr. THOMPSON. When did you first become aware of the fact that money was being raised to pay Hunt, among others?

Mr. EHRLICHMAN. I am not sure that I knew who money was being raised for in any specific sense. You have asked me about Hunt.

Mr. THOMPSON. The Watergate defendants?

Mr. EHRLICHMAN. Yes, I was aware that there was a need for a defense fund, attorneys' fees fund.

Mr. THOMPSON. When did that come to your attention?

Mr. EHRLICHMAN. It must have been late in June and it came to me through Mr. Dean, who said that the defendants were losing their attorneys, attorneys were quitting, they were not being paid. John Mitchell felt very strongly that it was important to have good legal representation for these defendants for a number of reasons—for political reasons, but also because we had these civil damage suits that

had been filed by the Democrats against the Committee for the Re-Election and the Republicans.

Mr. THOMPSON. What do you mean "for political reasons"?

Mr. EHRLICHMAN. Well, just that if there were to be a trial and it were to take place before the election, that obviously, that trial would have some political impact and good representation was simply essential.

Mr. THOMPSON. How would money help in that regard? Motions for continuances or—

Mr. EHRLICHMAN. Money would help to retain attorneys. At least, that was my understanding of the concept.

Mr. THOMPSON. It certainly would do that?

Mr. EHRLICHMAN. Evidently.

Mr. THOMPSON. What about later on? Did it come to your attention that there were increasing pressures by Hunt specifically for money, more money for himself and his attorneys?

Mr. EHRLICHMAN. I don't think I became aware of that until sometime after the 1st of the year. Then it came not in the, not so much in the money sense where Hunt was concerned, but it related to this episode of his trying to make contact with Mr. Colson to satisfy himself that Colson was still standing by him and that he was still his friend, and this kind of thing. It was not until we got into about the 20th of March that I became aware that Hunt was in fact making strong money demands.

Mr. THOMPSON. You didn't have any discussions with anyone, Dean or anyone else, during all this period of time, about Hunt in fact was threatening to blow the lid off unless his money demands were met?

Mr. EHRLICHMAN. No, I don't believe so.

Mr. THOMPSON. You drew no distinction in your mind between Hunt and Liddy and the Cuban-Americans? They were all just one package?

Mr. EHRLICHMAN. As two groups?

Mr. THOMPSON. Yes. You didn't feel like it was any more imperative that Hunt and Liddy had sufficient funds to hire good lawyers to make them happy than for the Cuban-Americans?

Mr. EHRLICHMAN. No. And it was not, obviously, to make them happy and it was for the purpose that I have stated.

Mr. THOMPSON. Humanitarian?

Mr. EHRLICHMAN. Well, no; I conceived of this as being like, you know, the Daniel Ellsberg defense fund and the Angela Davis defense fund and the Berrigan brothers defense fund. It is apparently a commonplace of American life these days that these kinds of funds are created and that people do donate to them.

Mr. THOMPSON. Is it your understanding that this particular defense fund was going to be secret?

Mr. EHRLICHMAN. No, as a matter of fact, Mr. Dean told me that there was a public defense fund being created in Florida right around this time.

Mr. THOMPSON. But this was not the one that Mr. Kalmbach was engaged in, was it?

Mr. EHRLICHMAN. This was, as I understood it, one that had been generated within the Cuban community down there.

Mr. THOMPSON. But is that not something completely separate and apart from what Mr. Kalmbach was doing? Didn't Mr. Kalmbach come to you and, in essence, tell you that he was raising money and ask if it was all right?

Mr. EHRLICHMAN. Well, not quite in those terms, but I had a conversation with Mr. Kalmbach about the fact that he was raising money for attorneys' fees.

Mr. THOMPSON. Give us the essence of that conversation, if you can. When did it occur and what was said?

Mr. EHRLICHMAN. It occurred on July 14 out in his office in Newport Beach. That was a Friday afternoon. I stopped at his office on my way from the western White House back to the place that I was staying, which was on farther north, and he showed me his offices. We talked about the California political situation, which he was then very concerned about, on which he had a number of ideas. And he mentioned to me in the course of that get-together that he was now raising money. He said it rather philosophically, because we had had a conversation back sometime in February or March in which—

Mr. THOMPSON. How do you talk about raising money, philosophically? [Laughter.]

Mr. EHRLICHMAN. Well, this way: He had hoped to get out of the money-raising business the first of April and we had hatched a rather elaborate plot to get him out of the money-raising business and it was that Bob Haldeman and I would be his defense when Maury Stans and John Mitchell asked him to get back into the fundraising again. He said he had had that activity and he had been at it a couple of times in Presidential campaigns and he really wanted to do other kinds of things to be helpful.

So we agreed that when he was approached by Mr. Stans or Mr. Mitchell, that he would say, and we would back him up, that he was going to do political chores for the White House on assignment.

He was philosophical about it in the sense that it was sort of, well, maybe you have heard—

Mr. THOMPSON. Could I ask you this?

Mr. EHRLICHMAN [continuing]. I am back raising money again.

Mr. THOMPSON. Pardon me for interrupting. Could I ask you this: He testified essentially that he looked into your eyes and said, "John, I know your family, you know my family, is this the thing to do, is it all right?"

You said, "yes, Herb, it is."

Now, did that happen?

Mr. EHRLICHMAN. I am sure that if he had looked into my eyes and I had looked into his eyes and we had invoked the names of our wives, I am sure I would remember that solemn occasion and I am sorry to say that I don't remember.

I would never in my life ask Herb Kalmbach to do anything that I thought was shady or improper, certainly not illegal. And if Herb Kalmbach had ever said to me, "Do you vouch for the propriety or the legality of what I am doing," I would have been very, very slow to make any assurance to Herb without a lot of research to satisfy myself. And that is why I am pretty sure that that kind of request was not made of me and I did not make a response, because I never did have occasion to research it or find out about it.

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Mr. THOMPSON. Dean had already talked to you about it previously, though?

Mr. EHRLICHMAN. Well, he had talked to me about it. He said, "Look, I am going to see if we can get Herb Kalmbach wound up to raise some attorney's fees for John Mitchell, who says we have really got to do it for the reasons that I have stated." He said, "if he checks with you, back me up on this."

Now, it happened that he did not check with me. Herb did not call me and we did not talk about it until he was well into the project. As I say, it was, as I recall, the 14th of July when we first discussed it. And the balance of the conversation, after he said, as I say, rather resignedly, that he was back in this, that he was using Tony Ulasewicz to carry cash—and I got the impression that he was carrying cash from California to the East and I may be mistaken about that, but I related that to Dean's very brief conversation with me before about this. There was no solicitation of him to me, is this OK for me to do or anything of that sort at that time.

Now, he was in my office again back here, what, 12 days later, I guess it was, on the 26th, and my log shows that. I do not know—he made periodic visits and he would come in and he would have a whole list of things that he wanted to talk about, and we would go down his list. It may be that this business was on it, but I am just morally certain that there was no such request of him that I vouch for the activity nor was there any vouching on my part.

Mr. THOMPSON. Mr. Ehrlichman, I would like to conclude. Now the reason I am probing this area with regard to your frame of mind at the time is this: It appears to me that if, say, the break-in at the psychiatrist's office of Daniel Ellsberg was a legitimate matter, a matter concerning national security and was held under your interpretation, I presume, of the implied powers of the President under the Constitution; if you felt this way, and if, in fact, the President had instructed you for national security reasons to see that those matters were not uncovered or exposed in the investigation of the Watergate, then all of these other matters would seem to follow as a matter of course, the other matters you responded to, this business about telling Dean to deep-six the Hunt documents; the business about seeing that money was raised or helping to see that money was raised to keep the defendants quiet; this business about offering Hunt Executive clemency or the President offering Hunt Executive clemency and I know you want to respond to all of those, but I am interested in how you felt at the time. If, first, you did feel like the previous activities of the Plumbers were legitimate and legal, and, second, the President did give you the instruction which he says he gave you, then would not these matters follow as a matter of course, and would you have any reason to deny them?

Mr. EHRLICHMAN. Mr. Thompson, without getting into all of these specific misstatements of truth, let us look at what I did do when the President gave me the instruction back in the first of 1972, with regard to holding confidential the activities of that special unit. What I did do was to contact the people who were involved, that is, Krogh, and Young primarily, and say, "This is the President's decision, this is his determination, he does not want this talked about. It is confidential, it is secret, it is not to be discussed."

DV

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1 was going to be involved. I didn't really think that my
2 second meeting was going to change the results of that.

3 Q Did there come a time when Mr. Mitchell asked you
4 to seek your superiors' permission to go ahead and contact
5 Mr. Kalmbach about becoming involved in raising money for the
6 defendants?

7 A Yes. He specifically asked me to check with Mr.
8 Haldeman and Mr. Ehrlichman as to the use of Mr. Kalmbach.

9 Q Do you recall any comments that he made on that
10 occasion?

11 A Yes, I do. I recall -- well, where it happened.
12 It was in his office at the re-election committee -- I should
13 say his law office over in the same building.

14 I was standing by his desk, and he said to me that
15 I should go ahead and check with Haldeman and Ehrlichman about
16 using Kalmbach because he thought that they would be very
17 interested in seeing this problem dealt with.

18 Q Did you in fact seek the approval of both Mr.
19 Haldeman and Mr. Ehrlichman?

20 A Yes, I did. I sought it and received it.

21 Q Had you ever asked Mr. Kalmbach in the past to take
22 on any fund raising assignment?

23 A Never had.

24 Q Had you ever asked him to take on any assignment?

25 A No.

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1 Q Do you recall whether he had notes or some kind of
2 written material from which he made this accounting?

3 A Yes. He had a small slip of paper which he had been
4 carrying in his wallet. He took this small piece of paper out
5 of his wallet and had written in a very small print these
6 figures and he read them to LaRue.

7 I don't recall whether LaRue made any notes or not,
8 but after Kalmbach had done his reporting, there was sort of
9 a ceremonial burning of the piece of paper in an ashtray on my
10 desk.

11 Q Mr. Kalmbach burned the paper himself?

12 A Yes.

13 Q Now during July, August, and September of 1972, did
14 the demands that were being communicated from the defendants
15 continue?

16 A Yes, they did.

17 Q Mr. Dean, was it on account of these continuing
18 demands that Mr. Kalmbach had to raise additional money as time
19 went along?

20 A That's correct.

21 Q To your own personal knowledge, who knew about the
22 payments that were being made to the defendants?

23 A Mr. Haldeman, Mr. Ehrlichman, Mr. Mitchell, of course
24 Kalmbach.

25 Q I take it you personally had conversations with Mr.

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1 LaRue and Mr. Mitchell about it?

2 A Yes.

3 Q And you initially had gotten approval for the opera-
4 tion from Mr. Ehrlichman?

5 A That's correct, and Haldeman.

6 Q Did you subsequently discuss how this was going with
7 Mr. Ehrlichman on occasion?

8 A It came up on a regular basis.

9 Q On a regular basis?

10 A Yes.

11 Q And at this time, prior to the indictment on

12 September 15th, did you ever have a discussion about a Cuban
13 defense or a Miami defense fund that had been set up?

14 A I don't recall when the discussion of the defense
15 fund really came out. It was certainly something that was
16 being kicked around long before it actually, I understand, was
17 created.

18 There was no such actually operating defense fund to
19 my knowledge, and it was always assumed that it would be one
20 of the best fundraisings in the world because it had a sure
21 sources of money.

22 Q But at this time this was being talked about, if at
23 all, as a future possibility?

24 A In September, you're saying?

25 Q July, August, September.

a discussion of the need for support money in exchange for the silence for the men in jail and if the CIA could not do it they would have to find money somewhere else. Mr. LaRue indicated that Mr. Stans had only a small amount of cash. I believe he said \$70,000 or \$80,000, but more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to get the approval of Haldeman and Ehrlichman to use Mr. Herbert Kalmbach to raise the necessary money. Before I departed the meeting I remembered that Mr. Mitchell, in an aside for my ears only, told me that the White House, in particular Ehrlichman, should be very interested and anxious to accommodate the needs of these men. He was referring to activities that they had conducted in the past that related to the White House, such as the Ellsberg break-in.

I conveyed this request to Haldeman and Ehrlichman and they told me to proceed to contact Mr. Kalmbach. I called Mr. Kalmbach on June 28, and told him that Haldeman, Ehrlichman, and Mitchell had requested that he come back to Washington as quickly as possible. He told me he would take the next flight.

I met Mr. Kalmbach at the Mayflower Hotel on June 29. We first met in the coffee shop, but could not find sufficient privacy to talk, so we went to his room. I had always been very open in my dealings with Mr. Kalmbach, and I knew that he had stated, after he completed his fundraising activities prior to April 7, 1972, that he did not wish to engage in any further fundraising activities, so I told him everything I knew about the case at that time, including my concern that it might involve the President himself, but I did not know that for a fact. I also told him that Haldeman, Ehrlichman, and Mitchell felt it was very important that he raise the money. I told him that per Mitchell's instructions he should contact Fred LaRue as to the amounts needed and the timing. I knew that Kalmbach was not happy with this assignment, and he said he was undertaking it only because Mitchell, Haldeman, and Ehrlichman had so requested. I do not know if Mr. Kalmbach discussed this with any of these persons, but given the nature of the request, I did not expect him to take it on my word alone. I had never before given instructions to Kalmbach to raise any money or never passed on any similar instructions to him.

Subsequent to our meeting, Kalmbach informed me he was departing to raise the money, but he wanted Tony Ulasewicz to handle any deliveries because Mr. Ulasewicz was the only man he would trust. He said that he did not have his telephone number and requested that I call Jack Caulfield and request that Mr. Ulasewicz call him in California. I called Caulfield and made the request, but I did not tell Caulfield the reason Kalmbach wanted to have Mr. Ulasewicz call him.

Within a week or so, Kalmbach returned to Washington and requested that I meet him in Lafayette Park, which I did. He said that I could report to Haldeman and Ehrlichman that he had raised the money and, in fact, he said he had it in his briefcase with him, to the best of my recollection, he told me he was en route to meet Mr. Ulasewicz, but wanted me to know the job was done. Following that meeting and several days later, as I recall, he called me and said that he had asked Fred LaRue to come to my office to give him the details of who was to get how much. I recall that such a meeting did occur in my office, but I was on and off the telephone while LaRue and Kalmbach were going over the figures and I have absolutely no recollection of the

and in Arizona. In 1967, the present firm of Kalmbach, DeMarco, Knapp & Chillingworth was founded with offices in Los Angeles and Newport Beach. Also, for more than 20 years, I have been active in political work—particularly in recent years in the area of campaign finance.

Since early 1969, I have been engaged in activities on the President's behalf in three major areas.

First, it has been the source of great pride and personal satisfaction to me and to my partners to have had the responsibility for handling personal legal matters for President Nixon and members of his immediate family for the past 4 years. During this period, practically all of the contacts that I had relative to these matters were handled through either John Ehrlichman or John Dean.

Second, I acted as trustee during the period from January of 1969 to early February of 1972 for certain surplus funds which had accrued principally from the primary period of the 1968 campaign. While Maurice H. Stans was the individual with whom I dealt at the time I accepted such trusteeship, I disbursed from such funds only at the express direction of H. R. Haldeman or others clearly having the authority to direct such disbursements.

Third, I agreed to solicit early pledges of financial support for the President's 1972 campaign beginning in November of 1970. This assignment was completed in the spring of 1972. The original records of this activity were turned over to the finance committee after Mr. Stans had assumed the post of finance chairman on February 15, 1972. I thereupon directed my secretary to destroy my files which were wholly personal and supportive of the original files earlier transferred to the finance committee. This action on my part was intended to insure the continued confidentiality of the contacts that I had had with various contributors with whom I had dealt during this period. Copies of what remaining records I have and such bank records as I have been able to retrieve have been supplied to the committee's staff prior to my appearance here today.

Finally, I want to take this opportunity to deny any prior knowledge of the Watergate break-in, in or participation in, the formulation of any planned conspiracy to cover up that incident or act of campaign sabotage or unethical activity. My actions in the period immediately following the break-in which involved the raising of funds to provide for the legal defense of the Watergate defendants and for the support of their families were prompted in the belief that such was proper and necessary to discharge what I assumed to be a moral obligation that had arisen in some manner unknown to me by reason of earlier events. The fact that I had been directed to undertake these actions by the No. 2 and No. 3 men on the White House staff made it absolutely incomprehensible to me that my actions in this regard could have been regarded in any way as improper or unethical.

I am here before you today to tell the truth about my activities during the period in question. It is not my purpose to testify for or against any individual. I wish to cooperate fully with the committee, and in that spirit, I am now ready to answer your questions to the very best of my ability.

Thank you.

Mr. DASH. Thank you, Mr. Kalmbach.

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Mr. KALMBACH. Yes, sir, it was.

Mr. DASH. Did you find a lot of interest when you were there at the committee concerning that incident?

Mr. KALMBACH. Well, again, Mr. Dash, it was a topic of discussion, and I know that I did talk about it, but it was nothing more than that.

Mr. DASH. All right after that meeting, you returned to California?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, did you receive a telephone call from Mr. John Dean on June 28?

Mr. KALMBACH. Yes, I did.

Mr. DASH. And what did he tell you on the telephone?

Mr. KALMBACH. As I remember the telephone conversation, Mr. Dean called me. It was in the early afternoon, midafternoon, on the 28th. He told me that it was a matter of extreme importance that I return to or come back to Washington, preferably by the first available flight, to undertake a very important assignment.

Mr. DASH. And what did you do in response to that call?

Mr. KALMBACH. I took a 10 or 10:15 or 10:30 flight that night.

Mr. DASH. Arriving in Washington when?

Mr. KALMBACH. Arriving in Washington at 6, 6:15, 6:30, the following morning.

Mr. DASH. Now, what did you do next, Mr. Kalmbach?

Mr. KALMBACH. I then took a cab into town and checked into the Statler-Hilton Hotel.

Mr. DASH. Did you then meet Mr. Dean, either at that time or a later time that day?

Mr. KALMBACH. Yes, after I checked in and changed, I think probably I had some breakfast, I called Mr. Dean around, as I can best recall, around 9 in the morning in his office in the Executive Office Building.

Mr. DASH. And what transpired? What was the call about? What did Dean say, what did you say, and what followed?

Mr. KALMBACH. It seems that in recalling that conversation, I told him that I am here in Washington at the Statler, and I can come over to your office right now if that is what you wish.

He replied, "No, you are at the Statler, I am here at the Executive Office Building, why don't we both start walking and meet in front of the Hay-Adams Hotel?"

I said, "all right." This had never happened before, but it was a nice day and I said, "all right, I will do that; I will meet you in front of the Hay-Adams," and then left the hotel.

I was there about 9:30, I would guess, and I think I saw him coming up through the park and I suggested that we have coffee at the Hay-Adams. He said, "No, let's just walk in the park," which we did.

We walked for a time and I recall that he put his foot up on the bench and made some wide gestures, indicating to me that I should do likewise, which I am not certain that I understood what he meant by that, but I recall that very clearly.

Mr. DASH. He made wide gestures and asked you to do likewise?

Mr. KALMBACH. Wide gestures, well, indicating that perhaps we were being observed. I don't understand, but I do remember that he did, in fact, do that, and suggest to me that I do likewise.

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Mr. DASH. You would certainly be a greater target of observation if you were making wide gestures, would you not?

Mr. KALMBACH. I would think so.

Mr. DASH. Well, what, actually, did you and Mr. Dean discuss? What did he say to you, other than making gestures?

Mr. KALMBACH. Well, he indicated that the reason for this call and for my coming back to Washington was that it was necessary to talk to me about a very important assignment, namely that, he said—he used the editorial, “We,”—“We would like to have you raise funds for the legal defense of these defendants and for the support of their families.”

Mr. DASH. When you say these defendants, now——

Mr. KALMBACH. The Watergate——

Mr. DASH. These were the seven defendants, Mr. Hunt, Mr. Liddy, Mr. McCord, Mr. Barker, Mr. Sturgis, Mr. Gonzales——

Mr. KALMBACH. That is correct.

Mr. DASH. Now, you knew that they were for all of these defendants?

Mr. KALMBACH. I just remember that he said the Watergate defendants at that time and I was not even certain at that point in time that I even knew their names.

Mr. DASH. All right. Did you ask him any questions about that?

Mr. KALMBACH. Yes, I did. I recall that in my conversation with him, I asked whether or not it would not be perhaps preferable to have a public committee formed to raise funds for these people and for these purposes. And also, I recall that I wondered aloud about whether or not maybe they could mortgage homes or raise funds in that way until a public committee could be established. His answer to that was that there was no time for this, that a public committee might be misinterpreted, and he just waved it aside and pressed on with his request.

Mr. DASH. Did he tell you how much money might be involved?

Mr. KALMBACH. My recollection is that he indicated \$50,000 to \$100,000 for this assignment.

Mr. DASH. Did he stress, since he had indicated to you that a public effort might be misinterpreted, did he stress that this had to be completely secret?

Mr. KALMBACH. Yes, he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and would cause misinterpretation as to the reasons for raising these funds and for the help of these people.

Mr. DASH. Now, since you were to raise these funds, how would you know how much was to be given to which defendants? Was there a discussion about that?

Mr. KALMBACH. Yes, sir, there was.

Mr. DASH. Could you tell us about that?

Mr. KALMBACH. After he had made the request, I asked him if I, when I raised the funds, should I give them to him for distribution, and he said, no, not to me. And he indicated, I think, Mr. LaRue would be the person——

Mr. DASH. Is that Mr. Fred LaRue?

Mr. KALMBACH. Mr. Fred LaRue would be the person who would be giving me directions in this assignment as to specific amounts and

8. On or about June 28, 1972 Magruder met with Herbert Porter, who was in charge of the CRP surrogate speakers program, and asked Porter to corroborate to the FBI a false story that CRP had paid Liddy \$100,000 to conduct lawful intelligence projects to prevent disruption of campaign speeches by radical groups. Porter agreed to repeat the false story to FBI agents. Porter has testified that he felt a deep sense of loyalty to the President and was appealed to on this basis.

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somewhere between \$100,000 and \$125,000, approximately. That was my guesstimate.

Mr. Porter indicated that he had distributed about \$20,000 or \$30,000 to Mr. Liddy, so I assumed that Mr. Sloan probably distributed somewhere under \$100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Mr. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If we do not know how much you gave Mr. Liddy, how can we determine what the money went for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought we could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was \$199,000 and I was aghast at that figure, because there was no way Mr. Liddy should have received that much money in that short period of time. It was only 2½ months since its approval.

Mr. DASH. Now, Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here, though, that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. MAGRUDER. Well, there were, from the time of the break-in to my second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRue, Mr. Mardian, and Mr. Dean, although many other people met in these meetings. Much of the meetings would be on subjects that were perfectly, I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the coverup story, but it became apparent, when we found out the sums were in the \$200,000 range, that we had to come up with a very good story to justify why Mr. Liddy would have spent that amount of money on legal activities.

Mr. DASH. What was that story, Mr. Magruder, that you finally came up with?

Mr. MAGRUDER. What we did was we simply took factual activity that we had asked Mr. Liddy to do and we exaggerated to a great extent the amount of money spent on those activities to the tune of the \$230,000.

I asked Mr. Porter to, would he be willing to work with us on this coverup story and, as he has testified, he indicated that he did.

So he took care of, in effect, \$100,000 and I took care of, in effect, \$150,000 by indicating that Mr. Liddy had legal projects for us in the intelligence field, and we worked over this story with Mr. Mitchell, Mr. Dean, Mr. LaRue, and Mr. Mardian, although Mr. Mardian has participated to a much lesser extent with me than the others did. My primary contacts on the story were Mr. Dean and Mr. Mitchell.

Mr. DASH. All of these persons that you have named—you finally did arrive at the story and they knew in fact what actually had occurred?

Mr. MAGRUDER. Yes; they did.

Mr. DASH. Could you tell us why the story required that the break-in involvement be cut off at Mr. Liddy and not at you?

Mr. MAGRUDER. Well, there was some discussion about me and I volunteered at one point that maybe I was the guy who ought to take the heat, because it was going to get to me, and we knew that. And I think it was, there were some takers on that, but basically, the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would go higher. Whereas Mr. Liddy, because of his past background, it was felt that that would be believable that Mr. Liddy was truly the one who did originate it. And, of course, it was true, I think, that Mr. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

We felt that was more believable than somebody like myself who did not have any background in this area authorizing these kinds of sums of money and authorizing this type of program when it was known full well throughout the committee and White House that I had no such authority.

Mr. DASH. Now, did you tell this story that was developed to Mr. Parkinson and Mr. O'Brien, who were representing the committee?

Mr. MAGRUDER. After July 4, Mr. Mardian brought Mr. Parkinson into my office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which—you know, at that time, we were dealing in a number of stories, and he said, "No; I want the true story."

I then for 2 hours, I think, told Mr. Parkinson the true story.

Mr. DASH. But later, you then told Mr. O'Brien and Mr. Parkinson the story that had been developed and agreed to by the other parties you mentioned?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. When were you first called before the grand jury, Mr. Magruder?

Mr. PORTER. All of it.

Mr. DORSEN. How have you now arrived at the figure you have just given us?

Mr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately \$69,000?

Mr. PORTER. Yes, sir; to the best of my knowledge.

Mr. DORSEN. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Mr. DORSEN. And briefly how did you become aware?

Mr. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. DORSEN. You are now recounting what Mr. Magruder told you.

Mr. PORTER. Yes, sir.

Mr. DORSEN. Please continue.

Mr. PORTER. He said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said, however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking

me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies, and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost \$100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them \$1,000 a month which they would take their expenses out of that, and that is \$100,000. That is not very much for a \$45 million campaign." And he said, "Now that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?

Mr. PORTER. Sir?

Mr. DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program?

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury?

Mr. PORTER. The same thing.

Mr. DORSEN. Were you a witness at the trial of the seven defendants who were indicted in the Watergate case?

Mr. PORTER. Yes, sir.

Mr. DORSEN. And did you give the same account?

him since his client was the one who in effect had asked me to do that it would be helpful if he——

Senator ERVIN. Now, did Mr. Sharp tell you that they could arrange for you to see the district attorney before Mr. Magruder?

Mr. PORTER. Yes, sir. He stated specifically if we decide that Jeb should go down and see Silbert, we would certainly give you the courtesy of going first. Those were his exact words.

Senator ERVIN. Then you met Mr. Magruder and found out from him that he had already been to see Silbert?

Mr. PORTER. Yes, sir.

Senator ERVIN. Now, did you consult a lawyer friend of yours after you were asked by Magruder to lie?

Mr. PORTER. Yes, sir, I did.

Senator ERVIN. You asked him what he would do under the circumstances, and he said he would probably lie for the President?

Mr. PORTER. Those words were not used, Mr. Chairman.

Senator ERVIN. What words were used?

Mr. PORTER. I stated to—I went, right after Mr. Magruder had had this discussion with me in late June, I went to a friend of mine who happens to be a lawyer, but I did not go to him because he was a lawyer; to share an experience, I think, and I stated what Mr. Magruder had said to me. We talked about it.

I think you have got to protect yourself back a little bit in a period of time. This was in the heat of the battle or the campaign. Here were two loyalists talking between the prospect of having the Democrats, our "enemy" come into our camp and bust our whole campaign wide open. I was not concerned about bad things, I was concerned about things like polling and State strategy and research and advertising and all these other things that could be made public.

So I told him what Mr. Magruder had asked me to do. He made a comment to me. He said, after thinking about it, he said—by the way, I think another important thing, if I may digress just momentarily, Mr. Chairman. I think it is very important that both of us, me particularly, since I am the one involved, believed Mr. Magruder, had no reason to mistrust him at all, that neither he nor anybody else was involved in the Watergate. And he specifically said that it was important that the investigation be confined to the Watergate, and I did not think that I was being asked to do anything in connection with the Watergate break-in at all.

My friend said to me—I think he was speaking rather rhetorically. He said, what difference does it make whether the money was authorized for this purpose or this purpose if what they are apparently saying is that Liddy diverted funds and went off and did something illegal? If one thing is going to embarrass the President and the other one is not, he said, I would not do it for Mitchell and I would not do it for Haldeman, but I would do it for the boss. And that is the feeling I had at the time.

Senator ERVIN. Was that before you testified before the grand jury?

Mr. PORTER. Yes, sir.

Senator ERVIN. Who was the lawyer who told you that?

Mr. PORTER. Mr. Chairman, I would respectfully prefer that I not have to give his name at this time. My lawyer knows who it is. He is not involved in this in any way. Unless you insist on it, I would prefer not to.

Senator BAKER. And the fear of not being a team player was strong enough to suppress your judgment on what action you should take if you considered an action improper, if not illegal?

Mr. PORTER. Well, I never considered any action up to that point illegal, No. 1. However, I was——

Senator BAKER. Do you think an organization, a political organization, should be so anonymous, so military and obedient, so careful for the concerns of peer approval that it, each and every member of that organization, at least up until a certain point and level in the organizational chart, completely abdicates his conscience and judgment?

Mr. PORTER. No, sir; I certainly do not.

Senator BAKER. What caused you to abdicate your own conscience and disapproval, if you did disapprove, of the practices or dirty tricks operation?

Mr. PORTER. Well, Senator Baker, my loyalty to this man, Richard Nixon, goes back longer than any person that you will see sitting at this table throughout any of these hearings. I first met the President——

Senator BAKER. I really very much doubt that, Mr. Porter. I have known Richard Nixon probably longer than you have been alive, and I really expect that the greatest disservice that a man could do to a President of the United States would be to abdicate his conscience.

Mr. PORTER. I understand, Senator.

I first met Mr. Nixon when I was 8 years old in 1948, when he ran for Congress in my home district. I wore Nixon buttons when I was 8 and when I was 10 and when I was 12 and when I was 16. My family worked for him; my father worked for him in campaigns, my mother worked for him in campaigns. I felt as if I had known this man all my life—not personally, perhaps, but in spirit. I felt a deep sense of loyalty to him. I was appealed to on this basis.

Senator BAKER. Mr. Porter, I am sorry to interrupt you at this point. We have a warning bell on a rollo. I know I will return. When we do, I know you will continue this.

[Recess.]

Senator BAKER [presiding]. I might say that the chairman will be here shortly. I understand from the chairman's representative that it was his wish that we reopen the hearings and continue.

Mr. Porter, I reiterate what I said earlier, I am in no way trying to be antagonistic to you, I have no animosity toward you, I am trying to probe for a state of mind and the institutional arrangements, the structuring, the situation that produced what would appear to me to be an abdication of one's personal judgment of what is right or wrong about a particular set of activities. That inquiry was frankly kicked off in my mind by the designation of "dirty tricks" within the campaign organization itself, by a situation that led you by your testimony, apparently, to commit perjury.

With that as the end result, I hope you can understand why I am trying to probe for the set of circumstances that led a young man to do those things.

I think I have spent most of my questions. I think that I am at best in an area of questionable definition, but if you have anything further you can give me that would shed light on why you agreed to swear falsely, why you closed your mind, apparently, to undesirable conduct, if not improper conduct, in a political campaign, the committee would be grateful for it.

Mr. DORSEN. Now, Mr. Porter, you have stated today that at no time did you request immunity from the U.S. attorney's office and, in fact, I know you have not requested immunity from this committee; is that correct?

Mr. PORTER. That is correct.

Mr. DORSEN. And I assume also that you have no desire to be indicted for perjury; is that correct?

Mr. PORTER. Yes, sir, that is correct.

Mr. DORSEN. Could you please tell the committee why then, at this time did you, or I assume your counsel, seek immunity?

Mr. PORTER. I guess, Mr. Dorsen, that would really have to go, to answer that question fully I would have to go back to Senator Baker's rather searching questions on Thursday. No matter how much a person prepares he thinks he is prepared to answer a question like that and it turns out when he is faced with it he fumbles a bit and I have done a lot of reflecting on those questions and why I did what I did and why I am here doing what I am doing now. That many of the reasons that the, the normal reasons that you read about in the newspaper and you hear about that people do things like that were not present in my case. I did not do it for money, I did not take a bribe, I did not do it for power, I did not do it for position, I did not do it to hide anything I had done because I did not think I had done anything. And yet, on the other hand, there were three or four factors that probably weighed and I cannot put any percentage on them of which weighed more and which toppled me over onto the other side. My vanity was appealed to when I was told my name had come up in high counsels, and I was an honest man and I made a good appearance and that sort of thing. My loyalty was appealed to, to the President. It was the heat of the campaign, a campaign as I am sure everyone of you Senators know was an abnormal situation, you react, you act and react, you spend most of your time reacting, and I was, I think all of those things coupled with what I have found out to be a weakness in my character quite frankly, to succumb to that pressure, all added up to my tipping over to that side.

Having discovered that weakness, and having determined that the context in which what I did has been put, the first thing I told my attorney, I said I want to go down and I want to tell the truth and I do not want to, you know, hide behind a darned thing and I have not tried to make any deals with anybody and, as I say, I have not come to this committee to do so. Senator Baker used the word atonement the other day, perhaps that is what I am doing, I do not know. I will let others judge that but that is the way I feel and that is what I am doing.

Mr. DORSEN. I have no further questions at this time.

Senator GURNEY. Mr. Chairman, could I have one question I would like to put to the witness?

Senator ERVIN. Yes.

Senator GURNEY. From time to time these people that you employed in the prank or sabotage department made reports to you, did they not?

Mr. PORTER. On a couple of occasions, I believe they wrote letters and explained what it was they had done; yes, sir.

Senator GURNEY. I am not interested in the substance of the reports. Did they make reports to you by phone conversations?

9. On June 29, 1972, after Kalmbach agreed to undertake the fund-raising assignment, he telephoned Maurice Stans and told him he needed from \$50,000 to \$100,000 for an important and confidential White House assignment. Later that day Stans delivered \$75,000 in \$100 bills to Kalmbach in Kalmbach's hotel room. The next day Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House. Kalmbach told him that the funds were for the Watergate defendants, that the payments would be in absolute secrecy and that contact between Kalmbach and Ulasewicz would be from phone booths using alias names.

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specific individuals. And as I can best recall this conversation, I was a little perplexed on this because I did not know these people at all. And it is——

Mr. DASH. Did you know Fred LaRue?

Mr. KALMBACH. Well, I, of course, knew Fred LaRue but casually. But as to how to distribute these funds—then again, my best recollection is that he indicated at that point that perhaps Mr. Ulasewicz might be the one to act as the distributor for the funds.

Mr. DASH. Is this Tony Ulasewicz?

Mr. KALMBACH. Yes, sir, it is.

Mr. DASH. Is that the Tony Ulasewicz who has testified before this committee before?

Mr. KALMBACH. It is.

Mr. DASH. Did you know Tony Ulasewicz?

Mr. KALMBACH. Yes, I did.

Mr. DASH. Had you worked with him in the past?

Mr. KALMBACH. I had met with him two or three times total from mid-1969 until approximately October 1, 1971, and I had three conversations, two or three conversations, during that period.

Mr. DASH. Did you have confidence that Mr. Ulasewicz was the kind of person who could be useful in this kind of assignment?

Mr. KALMBACH. Well, I knew that he had been acting and undertaking assignments for the White House for that period and I certainly knew that he had the confidence of whoever it was that he was working with, and when he mentioned Mr. Ulasewicz as someone to do this, I said that I would, I certainly would have confidence in him.

Mr. DASH. Did you know whether or not—did you know what kind of assignments he had undertaken for the White House before?

Mr. KALMBACH. No, sir; I did not, Mr. Dash.

Mr. DASH. But you knew that he would be somebody that you could have confidence in?

Mr. KALMBACH. Well, I knew that he was a retired New York City police officer who was competent and I was certain that he was someone that could be trusted and I would be——

Mr. DASH. Who other than Mr. Dean were you thinking of when you say they would have confidence? Did you mean Mr. Haldeman?

Mr. KALMBACH. Well, whoever he was talking for. He was using the editorial "we" all the time.

Mr. DASH. Well, if he was talking for anybody over in the White House, who did he work with most often, to your knowledge?

Mr. KALMBACH. Mr. Dean?

Mr. DASH. Yes.

Mr. KALMBACH. Well, he worked with practically everyone in the White House. But, of course, principally——

Mr. DASH. Who above him?

Mr. KALMBACH. He reported to Mr. Ehrlichman. And he also worked closely with Mr. Haldeman. He did not mention their names in this conversation.

Mr. DASH. Have you ever been given any other assignment of this nature in the past?

Mr. KALMBACH. No, sir.

Mr. DASH. After meeting with Mr. Dean, what did you do? Did you indicate, first, that you would accept this assignment from Mr. Dean?

Mr. KALMBACH. I did.

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Mr. DASH. And you did accept it under the basis that if Mr. Dean was asking you as the President's counsel, that he had authority to ask you for that?

Mr. KALMBACH. Absolutely. I had known Mr. Dean since mid-1970, and I had complete trust in the man and knowing that he was counsel to the President.

Mr. DASH. All right, then, you accepted this assignment. What did you do right after that meeting with Mr. Dean?

Mr. KALMBACH. I walked back to the Statler-Hilton and I think within a matter of minutes after I was back at the hotel I called Mr. Stans.

Mr. DASH. What did you say to Mr. Stans?

Mr. KALMBACH. I told him that I had been given a special assignment requiring as much cash as perhaps he would have available, and I think I mentioned \$50,000 to \$100,000, and asked him if it would be possible that he could help me in this assignment.

Mr. DASH. What did he say?

Mr. KALMBACH. He said that he would see what he could do. He said that he would have, as I remember it, he said he would have to go to a safe deposit box but that he would meet me at the Statler-Hilton in my room early in the afternoon.

Mr. DASH. Did he meet you early in the afternoon?

Mr. KALMBACH. Yes, sir, he did.

Mr. DASH. Did he have anything with him?

Mr. KALMBACH. Yes, he did. He had—he gave me \$75,100.

Mr. DASH. How were they packaged?

Mr. KALMBACH. It was in \$100 bills, as I remember it.

Mr. DASH. Did he indicate to you the source of that money, Mr. Kalmbach?

Mr. KALMBACH. He did. As to \$45,000 he said that it was the balance of the \$50,000 that he had earlier given me. He said that he was giving it to me now but he did not indicate, as I remember it at all, the source of the balance of those funds.

Mr. DASH. Did you tell Mr. Stans at any time when you asked for this money, when you received it, what that money was going to be used for?

Mr. KALMBACH. No, I did not.

Mr. DASH. Did Mr. Stans question you as to why you needed the money?

Mr. KALMBACH. Again, Mr. Dash, when I talked to Mr. Stans, we had known each other a number of years, I told him it was for a very important assignment, that I had been advised that it was in complete confidence, that I could not tell him the nature of the assignment, that he would have to trust me, and he said "Of course, I do trust you, Herb", and with that he gave me the funds.

Mr. DASH. All right.

Now, what did you do with the money that Stans gave you?

Mr. KALMBACH. I held the funds until the following day when I gave them to Mr. Ulasewicz.

Mr. DASH. How did you make contact with Mr. Ulasewicz?

Mr. KALMBACH. When I had met with Mr. Dean I recall that, it seems to me that I asked him to get in touch with Mr. Caulfield who he knew well, and who knew Mr. Ulasewicz' number in New York,

and to ask Mr. Caulfield to call me and give me that number, and then I would call Mr. Ulasewicz, and that is, that is what I recall that I did. I received a call, and then called Mr. Ulasewicz late in the afternoon on the—let us see, it was the 29th and asking him to come down to Washington the next day, on the 30th.

Mr. DASH. Did you say anything on the telephone as to why he should come down?

Mr. KALMBACH. No, I just said I wanted to see him for a special assignment.

Mr. DASH. Then you had a meeting with him?

Mr. KALMBACH. Yes, I did.

Mr. DASH. Where did you meet with him?

Mr. KALMBACH. I met with him at my room in the Statler-Hilton Hotel.

Mr. DASH. Did you tell Mr. Ulasewicz or ask him to undertake this assignment?

Mr. KALMBACH. Yes, sir, I did. I told him exactly what Mr. Dean had told me, namely that this, the purpose of this assignment was to provide funds for these defendants, for their legal help and also to provide support for their families, and I stressed again the statement that Mr. Dean had given to me that it must be in absolute secrecy and confidentiality, and he thoroughly understood and took the funds and left and went back to New York.

Mr. DASH. So he agreed to follow out this assignment that you had requested?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Prior to Mr. Ulasewicz' coming down did you again meet with Mr. Dean?

Mr. KALMBACH. Yes. I met with him Friday morning at which time—

Mr. DASH. Friday morning?

Mr. KALMBACH. At which time I told him that I had contacted Mr. Ulasewicz, that Mr. Ulasewicz would be in Washington that afternoon and that I had raised \$75,100.

Mr. DASH. Where was that meeting?

Mr. KALMBACH. In my room at the Statler.

Mr. DASH. Could it have been, Mr. Kalmbach, that you first had coffee in the coffee shop with Mr.—this was the Statler-Hilton?

Mr. KALMBACH. Yes, sir, it was.

Mr. DASH. Yes, could you first have met in the coffee shop and then in your room?

Mr. KALMBACH. Well, it could have been but my recollection is that we met in my room.

Mr. DASH. Now, you testified that you met—when you met with Mr. Ulasewicz you stressed the secrecy that Mr. Dean had stressed with you. Did you arrive at any method with Mr. Ulasewicz as to how you would carry out this assignment, under a covert operation?

Mr. KALMBACH. Well, the only method was that we would—it was again stressed, absolute secrecy. In my conversations with Mr. Ulasewicz when I stressed that, in our talks between ourselves, it was agreed that we should use telephone booths, talk between telephone booths and, of course, as it later became procedure that in his conversations with various of these people to whom he was—that he was contacting, he would use an alias.

Mr. DASH. Mr. Ulasewicz would use an alias?

Mr. KALMBACH. Yes, he would.

Mr. DASH. Do you know what Mr. Ulasewicz' alias was during this transaction?

Mr. KALMBACH. No, I think there were several.

Mr. DASH. Does the name Rivers make—

Mr. KALMBACH. That was one of those, yes, sir.

Mr. DASH. Did he suggest that name?

Mr. KALMBACH. Well, I do not know whether he did or whether I did, but in our conversation—but then back, I would then report to either Mr. Dean or Mr. LaRue, who would give us the directions or give me the directions, I would then give Mr. Ulasewicz the directions, he would then make the contact with the people.

Mr. DASH. Under your direction your conversation would be with Mr. Ulasewicz on the telephone?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And they would be from telephone booth to telephone booth.

Mr. KALMBACH. Yes, usually.

Mr. DASH. Could you just give me a scenario how you would contact Mr. Ulasewicz, or how he would contact you, what one would say to the other, and how you would do it?

Mr. KALMBACH. Well, if there is a typical, and I don't know if there is, but it would, I would receive a call either from Mr. Dean or Mr. LaRue with instructions to get a amount of funds over to one of the defendants or one of the attorneys. I would then call Mr. Ulasewicz, and so inform him.

Mr. DASH. You would call him and reach him at his home number?

Mr. KALMBACH. I would reach him in New York at his home number.

Mr. DASH. What would you tell him to do?

Mr. KALMBACH. I would call him from a pay phone. He would then—he told me the number of another pay phone and 15 minutes later I would call him and he would be at the pay phone.

Mr. DASH. When you called him did you use a telephone credit card?

Mr. KALMBACH. No, always it was in cash and it was using a good number of quarters.

Mr. DASH. Putting a lot of quarters in the telephone as you went along?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And when you referred to particular people who received, who would receive that, take for instance Mr. Hunt, did you have a particular code name for Mr. Hunt?

Mr. KALMBACH. I think we did. I think we called Mr. Hunt, just called him "The Writer," he had been an author, we called him "The Writer." I think we called Mrs. Hunt "The Writer's Wife."

I don't know that we had any other names for anyone else.

Mr. DASH. Did you have any particular code name for the money that was being distributed?

Mr. KALMBACH. No. If there is a code name the name developed in—when I was at the Statler and Mr. Ulasewicz came down to receive the \$75,100 that I had received from Mr. Stans, he came into the room and he didn't have a briefcase with him, so he just went to the shelf

Mr. EDMISTEN. Yes. When was that?

Mr. STANS. The same day of June 23, Mr. Sloan had balanced out his cash account, something which I had asked him to do as early as April 10 but which he couldn't do because he was waiting for the return of the proceeds of the various checks we were discussing. He showed a balance of \$81,000 of cash on hand and expressed some concern about it because he was going on vacation and under the tense situation that was building up he didn't want to hold the cash in his custody. We discussed it and concluded that the funds were of a nature which did not classify them as funds of the current committees, that they were more properly funds of earlier committees, that they were not part of what we had to account for in an audit by the General Accounting Office, and that we should get legal advice.

At that time it was understood within the committee that Robert Mardian had been brought to Washington to work on legal matters that were current at the time, and I went to him for advice. His advice, after he learned the description of the money, was to get the money out of the office and out of the campaign and he suggested that I give it to Fred LaRue. Fred LaRue was the right-hand man of John Mitchell, assistant to Mitchell as campaign director. On that advice I gave the money, my half of the money to LaRue and Sloan later gave his half of the money to LaRue. I neglected to say that when Sloan expressed concern about having that much money in his custody, I agreed to divide it with him so that there would only be about \$40,000 in each parcel, and I took one and put it in my desk and he took one parcel and took it home. I gave mine to LaRue rather promptly, at the first opportunity. Sloan went on vacation to Bermuda for about 10 days, and gave his money to LaRue upon his return.

Now, there is some uncertainty as to whether that money passed through Mardian's hands in each case. I can't recall whether I gave the \$40,000 that I had directly to LaRue or gave it to Mardian to give to LaRue. Sloan did give his \$40,000 to Mardian and Mardian gave it to LaRue.

Mr. EDMISTEN. Do you know what happened to that money in the end?

Mr. STANS. I do not know specifically what happened to that money. Subsequently I received some funds for several purposes from Fred LaRue. Whether it was part of the same money or other money, I have no way of knowing, and only he could tell.

Mr. EDMISTEN. Now, Mr. Stans, in late June or early July did you receive a call from Mr. Herbert Kalmbach requesting money from you?

Mr. STANS. On the 29th of June I received an urgent call from Mr. Kalmbach. He said he was in Washington at the Statler-Hilton Hotel, that it was extremely vital that he see me right away, and he wanted me to come over there, and I did. I dropped everything and went over there to see him. He said, "I am here on a special mission on a White House project and I need all the cash I can get."

I said, "I don't have any cash to give to you. Will you take a check?"

He said, "No, I can't take a check, it must be in cash, and this has nothing to do with the campaign. But I am asking for it on high authority."

Mr. EDMISTEN. What high authority did he say?

Mr. STANS. He did not say. "I am asking for it on high authority and you will have to trust me that I have cleared it properly."

As I said, I had no cash belonging to the committee at that time because we had closed it all out but I did have two parcels of money that were available, and I gave those to Mr. Kalmbach. They added up to \$75,000 of funds outside the committee.

Mr. EDMISTEN. Now, Mr. Stans, did you not ask him why he wanted this money?

Mr. STANS. Yes, I did.

Mr. EDMISTEN. What did he say?

Mr. STANS. He said, "This is for a White House project and that I have been asked to take care of and I cannot tell you. You will have to trust me."

Mr. EDMISTEN. Would Mr. Kalmbach have been your superior in this organization, campaign organization?

Mr. STANS. No, Mr. Kalmbach was a man I knew very well. He had been my principal deputy in the 1968 fundraising campaign for Richard Nixon. He subsequently had close affiliation with a number of people in the White House that I was aware of.

He was personal counsel to the President. He was a man that I knew was a man of highest integrity, trustworthiness and honesty, and I had no question to doubt, no reason to doubt, anything he told me and I didn't.

Mr. EDMISTEN. Who in the whole organization would you consider your superiors, and would you just go up the line from you?

Mr. STANS. Well, I do not know that I had any superiors. It was a unique situation. The finance committee was separate from the campaign committee. The campaign committee exercised a dominance over the finance committee by their spending policies, forcing us to raise enough money to pay everything they committed. But I had no superior. I would have taken instructions from the President if he gave me any but he did not, and I would have been influenced by requests from certain people in the White House from time to time but I do not believe I had a superior in that sense.

Mr. EDMISTEN. Well, now, I just have one more question here. I want you to think carefully, Mr. Stans: Did you have a meeting on June 24, after the break-in, with Mr. John Mitchell to find out from him what had happened?

Mr. STANS. I am not sure of the exact date. I had meetings from time to time with Mr. Mitchell. I probably had one on June 24.

Mr. EDMISTEN. Did you ask him what happened at that meeting, if you recall it?

Mr. STANS. I do not recall that I asked him that question. Certainly I was curious about it, and it would not surprise me if I had. I have no recollection of specifically talking about that subject. That was a week after the break-in.

Mr. EDMISTEN. Yes. Do you recall at any time Mr. Mitchell telling you that there were others involved besides those who were apprehended?

Mr. STANS. No, I do not.

Mr. EDMISTEN. At a meeting of that nature about that time?

Mr. STANS. No, I do not.

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Mr. SUTTER. I do. Mr. Chairman, I am sure much to the relief of the committee Mr. Ulasewicz does not have a prepared statement he desires to read. He is here merely for the purposes of answering questions from the committee and I should like the record to indicate that he appears pursuant to a subpoena issued by the committee dated April 30, 1973, and served upon him on or about May 8, 1973. Thank you, sir.

Mr. LENZNER. Thank you, Mr. Sutter.

Mr. Ulasewicz, you testified here about your relationships with Mr. Caulfield in making contact with Mr. McCord. I just want to go back and ask you, were you contacted originally by Mr. Caulfield in February of 1969 with reference to doing some investigative work?

Mr. ULASEWICZ. Yes, I was.

Mr. LENZNER. I understand the committee is not going to inquire into that area in any detail at all today but I do want to ask just two other background questions: First, were you also interviewed by Mr. John Ehrlichman in May of 1969 at the VIP lounge at LaGuardia Airport?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And in June of 1969 did you meet Mr. Herbert Kalmbach here in the District of Columbia?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, on or about June 28, 1972, did you receive a call from that same Mr. Kalmbach?

Mr. ULASEWICZ. Yes, I believe it was on the 29th of June.

Mr. LENZNER. And could you tell us what he said to you and what you said to him?

Mr. ULASEWICZ. Mr. Kalmbach asked me to come down to Washington the next afternoon, that he wanted to speak to me regarding an assignment.

Mr. LENZNER. And did you agree to do that?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Did you see him the next day?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Where was that, sir?

Mr. ULASEWICZ. It was in the Statler-Hilton Hotel in his room.

Mr. LENZNER. Can you tell us what he said to you at that time and what you said to him?

Mr. ULASEWICZ. Mr. Kalmbach advised me that he had a very important assignment, and he went at least three times over the statement, saying that it was a situation that developed that he was asked to do something and needed my help in doing it. He said that it was legal, that it was to provide funds for persons in difficulty for payment of their counsels, and for payment to assist their families during some troublesome period. He repeated the statement several times. He was very ill at ease, very nervous and we got to the point where I said, "Well, Mr. Kalmbach just what is this now" and he says, "I have guessed it, it's the Watergate situation."

Mr. LENZNER. Mr. Ulasewicz, let me just interrupt—would you put the microphone more directly in front of you please, thank you.

Mr. ULASEWICZ. And he said, "It's the Watergate situation. I guess you have guessed that," and I said "Yes, sir." and he said "Well, again, let me assure you I would not in any way or fashion ask anyone to do anything that I would not engage my own services in. It is an assignment for me and I am asking you to do this. It will necessitate confi-

dential methods possibly." He could not go into at that time as to what it might completely take in.

At a certain point in the conversation, he mentioned that there may be a necessity of communicating by telephone with me from time to time, and what might be the best procedures. I said if you mean as far as best procedures of eavesdropping or any of that type that the telephone booth method is the only one, and I started to explain however, "Wherever you want me to call you, you should give me the number in advance, you should check it out, know where I am calling and then I know it in return." And I went right over his head actually because it didn't quite work out that way but we went into the phone booth deal and we agreed to it. After that—

Mr. LENZNER. Would you explain what the phone booth deal was, Mr. Ulasewicz?

Mr. ULASEWICZ. Well, if we wanted to be absolutely certain of receiving a call at a cleared phone booth or so he should have, the way it would be he would go into an area where he wanted me to call from a phone booth, establish that it was actually a phone booth but we did make an arrangement later where we did furnish with numbers.

Mr. LENZNER. A phone booth?

Mr. ULASEWICZ. A phone booth.

Mr. LENZNER. Did you also talk about names that you and he could contact each other?

Mr. ULASEWICZ. Yes. Mr. Kalmbach agreed to use—suggested whenever he might call me in relation to this matter—he would use the name Novak and that would be just strictly for myself. In the course of that, he said that if another name would probably be necessary it would be Rivers.

Mr. LENZNER. Who was supposed to use that name?

Mr. ULASEWICZ. He anticipated that I might use that name in contact with distributing this money to the people that it would be necessary. At a point in the conversation he said that he had the money with him, and it was \$75,100 which he gave me. It was in \$100 bills.

Mr. LENZNER. What did you put it in?

Mr. ULASEWICZ. I went to the closet of the room and took a laundry bag and put the money in a laundry bag.

Mr. LENZNER. Now going back to the code names, do I understand it correctly, Mr. Ulasewicz, when he called you he would call your home and say, "This is Mr. Novak calling."

Mr. ULASEWICZ. Correct.

Mr. LENZNER. And would he leave a number for you to call back?

Mr. ULASEWICZ. It developed to that, yes.

Mr. LENZNER. What would you do after that?

Mr. ULASEWICZ. What happened when he called Mr. Novak, where he would say it is Novak after our initial call, which I supplied him with telephone, public telephone numbers, I would go to the telephone booth, and we had—and he would give me a time usually about a half hour, allowing me time to get to the phone booth and then he would call me at the booth.

Mr. LENZNER. Did you go back to New York with the \$75,100?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Did you thereafter receive money again from Mr. Kalmbach?

10. On or about June 29, 1972 LaRue met Kalmbach in Kalmbach's hotel room. Kalmbach advised LaRue of the nature of his assignment to provide financial support for the Watergate defendants. They discussed the method whereby the defendants could be contacted, how the amount of money needed could be determined, the man who would make the contacts (Ulasewicz, alias Mr. Rivers) and a code name to be used for contacts between Kalmbach and LaRue (i.e., Mr. Bradford). They determined that the contacts with the defendants should be made through the defendants' attorneys.

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Mr. LaRUE. No; not to my recollection, no, sir.

Mr. DASH. Did he not tell you that he was acting on the approval of the White House or Mr. Mitchell?

Mr. LaRUE. Mr. Dash, I don't recall a discussion of that nature, no, sir.

Mr. DASH. Now, when was the subject of fundraising for the Watergate defendants first brought up in your presence or mentioned to you?

Mr. LaRUE. Mr. Dash, I am sorry, but I don't have any specific recollection or dates regarding the initial discussions on fundraising.

Mr. DASH. I am not trying to pin you down to any particular date. Was it around this time? Was it around the time that you had the meeting with Mr. Liddy?

Mr. LaRUE. Yes; I would say that it was in this time period. To the best of my recollection, at the Liddy meeting, he indicated that certain commitments had been made to him and subsequently passed by him to the other people involved, that certain commitments had been made regarding the maintenance or expenses for the maintenance of their families, legal expenses.

Mr. DASH. Did he tell you who had made these commitments?

Mr. LaRUE. No sir, he did not.

Mr. DASH. But that he expected that there would be payments made for the boys in jail, is that right?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, what was your role to be in this respect at this time?

Mr. LaRUE. My role in what, I am sorry?

Mr. DASH. What was your role in providing funds or the payment for the defendants?

Mr. LaRUE. At this time?

Mr. DASH. At this time.

Mr. LaRUE. I didn't have any role, Mr. Dash.

Mr. DASH. Did there come a time when you had a role with Mr. Kalmbach?

Mr. LaRUE. Yes, sir.

Mr. DASH. Will you tell us about that. When did you first learn that Mr. Kalmbach was going to be involved and what role you were going to have with regard to his activities?

Mr. LaRUE. My best recollection of that, Mr. Dash, was that I received a phone call from Mr. Kalmbach to meet him at the Statler-Hilton Hotel, that date was the latter part of June, June 28, June 29.

Mr. DASH. And you did meet with him?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us what happened at that meeting?

Mr. LaRUE. I met with Mr. Kalmbach, the nature of that discussion, as I recall, Mr. Kalmbach stated that he had undertaken an assignment to raise money to meet the commitments that had been made to the Watergate defendants. Our discussion centered on a method or a way that contact could be made with the defendants and in which the amount of money could be discussed or be determined.

Mr. Kalmbach indicated that he had a person who was very discreet, very reliable that could be used for this purpose. We discussed—

Mr. DASH. Did he mention his name?

Mr. LaRUE. No; he did not mention his name but, as I recall, during this meeting determined that we would use a code name, Mr. Rivers, for this person.

Mr. DASH. I think you have since learned that Mr. Tony Ulasewicz was Mr. Rivers?

Mr. LaRUE. That is my understanding, yes, sir. We also discussed how we would or how Mr. Rivers could establish contact with the defendants, and it was decided that probably the best way would be for him to try to contact some of the attorneys who were working for the defendants at this time.

Mr. DASH. Did you arrange any kind of a relationship that you and Mr. Kalmbach would have if you wanted to call each other about this?

Mr. LaRUE. Yes, sir.

Mr. DASH. Any kind of a code arrangement?

Mr. LaRUE. Yes, sir.

Mr. DASH. Will you tell us about that?

Mr. LaRUE. Mr. Kalmbach indicated that this was, this would be necessary, that this would be a very secret operation, and that we should conduct our business by pay telephones, and that we would use the code name Bradford.

Mr. DASH. Were you Mr. Bradford?

Mr. LaRUE. That really wasn't, I think, determined, at least not to my knowledge and consequently we both ended up with the code name Bradford.

Mr. DASH. In other words, when you called Mr. Kalmbach you asked for Mr. Bradford and if he asked for you, he would call for Mr. Bradford and you both would know what you were talking about?

Mr. LaRUE. That is correct.

Mr. DASH. Did you learn of what problems Mr. Rivers was having with the lawyers?

Mr. LaRUE. Yes; that subsequent, a subsequent telephone conversation I had with Mr. Bradford—Kalmbach—

Mr. DASH. How often did you really use that name so as to fall into the habit of calling Mr. Kalmbach, Bradford?

Mr. LaRUE. He indicated that Mr. Rivers was having considerable difficulty establishing a contact through the lawyers, and as I recall at that time we had a discussion of this problem and decided that Mr. Rivers had tried to effect a contact with Mrs. Hunt.

Mr. DASH. Now, after your first meeting with Mr. Kalmbach and the arrangements were made, did you again meet with Mr. Kalmbach in Mr. Dean's office sometime in the middle of July 1972?

Mr. LaRUE. Yes, sir.

Mr. DASH. Mr. Dean was present at that time?

Mr. LaRUE. That is correct.

Mr. DASH. Could you tell us what was said at that meeting, what the purpose of the meeting was?

Mr. LaRUE. My recollection of that meeting, Mr. Dash, is Mr. Kalmbach had secured from Mr. Rivers a—some specific amount of money that would be necessary or would be required to meet the commitments, there were specific amounts for attorney fees at this time and, as I recall specific amounts of money that would be required for maintenance of their families.

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Mr. KALMBACH. Yes, sir, it was.

Mr. DASH. Did you find a lot of interest when you were there at the committee concerning that incident?

Mr. KALMBACH. Well, again, Mr. Dash, it was a topic of discussion, and I know that I did talk about it, but it was nothing more than that.

Mr. DASH. All right after that meeting, you returned to California?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, did you receive a telephone call from Mr. John Dean on June 28?

Mr. KALMBACH. Yes, I did.

Mr. DASH. And what did he tell you on the telephone?

Mr. KALMBACH. As I remember the telephone conversation, Mr. Dean called me. It was in the early afternoon, midafternoon, on the 28th. He told me that it was a matter of extreme importance that I return to or come back to Washington, preferably by the first available flight, to undertake a very important assignment.

Mr. DASH. And what did you do in response to that call?

Mr. KALMBACH. I took a 10 or 10:15 or 10:30 flight that night.

Mr. DASH. Arriving in Washington when?

Mr. KALMBACH. Arriving in Washington at 6:15, 6:30, the following morning.

Mr. DASH. Now, what did you do next, Mr. Kalmbach?

Mr. KALMBACH. I then took a cab into town and checked into the Statler-Hilton Hotel.

Mr. DASH. Did you then meet Mr. Dean, either at that time or a later time that day?

Mr. KALMBACH. Yes, after I checked in and changed, I think probably I had some breakfast, I called Mr. Dean around, as I can best recall, around 9 in the morning in his office in the Executive Office Building.

Mr. DASH. And what transpired? What was the call about? What did Dean say, what did you say, and what followed?

Mr. KALMBACH. It seems that in recalling that conversation, I told him that I am here in Washington at the Statler, and I can come over to your office right now if that is what you wish.

He replied, "No, you are at the Statler, I am here at the Executive Office Building. why don't we both start walking and meet in front of the Hay-Adams Hotel?"

I said, "all right." This had never happened before, but it was a nice day and I said, "all right, I will do that; I will meet you in front of the Hay-Adams," and then left the hotel.

I was there about 9:30. I would guess, and I think I saw him coming up through the park and I suggested that we have coffee at the Hay-Adams. He said, "No, let's just walk in the park," which we did.

We walked for a time and I recall that he put his foot up on the bench and made some wide gestures, indicating to me that I should do likewise, which I am not certain that I understood what he meant by that, but I recall that very clearly.

Mr. DASH. He made wide gestures and asked you to do likewise?

Mr. KALMBACH. Wide gestures, well, indicating that perhaps we were being observed. I don't understand, but I do remember that he did, in fact, do that, and suggest to me that I do likewise.

Mr. DASH. You would certainly be a greater target of observation if you were making wide gestures, would you not?

Mr. KALMBACH. I would think so.

Mr. DASH. Well, what, actually, did you and Mr. Dean discuss? What did he say to you, other than making gestures?

Mr. KALMBACH. Well, he indicated that the reason for this call and for my coming back to Washington was that it was necessary to talk to me about a very important assignment, namely that, he said—he used the editorial, “We,”—“We would like to have you raise funds for the legal defense of these defendants and for the support of their families.”

Mr. DASH. When you say these defendants, now—

Mr. KALMBACH. The Watergate—

Mr. DASH. These were the seven defendants, Mr. Hunt, Mr. Liddy, Mr. McCord, Mr. Barker, Mr. Sturgis, Mr. Gonzales—

Mr. KALMBACH. That is correct.

Mr. DASH. Now, you knew that they were for all of these defendants?

Mr. KALMBACH. I just remember that he said the Watergate defendants at that time and I was not even certain at that point in time that I even knew their names.

Mr. DASH. All right. Did you ask him any questions about that?

Mr. KALMBACH. Yes, I did. I recall that in my conversation with him, I asked whether or not it would not be perhaps preferable to have a public committee formed to raise funds for these people and for these purposes. And also, I recall that I wondered aloud about whether or not maybe they could mortgage homes or raise funds in that way until a public committee could be established. His answer to that was that there was no time for this, that a public committee might be misinterpreted, and he just waved it aside and pressed on with his request.

Mr. DASH. Did he tell you how much money might be involved?

Mr. KALMBACH. My recollection is that he indicated \$50,000 to \$100,000 for this assignment.

Mr. DASH. Did he stress, since he had indicated to you that a public effort might be misinterpreted, did he stress that this had to be completely secret?

Mr. KALMBACH. Yes, he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and would cause misinterpretation as to the reasons for raising these funds and for the help of these people.

Mr. DASH. Now, since you were to raise these funds, how would you know how much was to be given to which defendants? Was there a discussion about that?

Mr. KALMBACH. Yes, sir, there was.

Mr. DASH. Could you tell us about that?

Mr. KALMBACH. After he had made the request, I asked him if I, when I raised the funds, should I give them to him for distribution, and he said, no, not to me. And he indicated, I think, Mr. LaRue would be the person—

Mr. DASH. Is that Mr. Fred LaRue?

Mr. KALMBACH. Mr. Fred LaRue would be the person who would be giving me directions in this assignment as to specific amounts and

specific individuals. And as I can best recall this conversation, I was a little perplexed on this because I did not know these people at all. And it is——

Mr. DASH. Did you know Fred LaRue?

Mr. KALMBACH. Well, I, of course, knew Fred LaRue but casually. But as to how to distribute these funds—then again, my best recollection is that he indicated at that point that perhaps Mr. Ulasewicz might be the one to act as the distributor for the funds.

Mr. DASH. Is this Tony Ulasewicz?

Mr. KALMBACH. Yes, sir, it is.

Mr. DASH. Is that the Tony Ulasewicz who has testified before this committee before?

Mr. KALMBACH. It is.

Mr. DASH. Did you know Tony Ulasewicz?

Mr. KALMBACH. Yes, I did.

Mr. DASH. Had you worked with him in the past?

Mr. KALMBACH. I had met with him two or three times total from mid-1969 until approximately October 1, 1971, and I had three conversations, two or three conversations, during that period.

Mr. DASH. Did you have confidence that Mr. Ulasewicz was the kind of person who could be useful in this kind of assignment?

Mr. KALMBACH. Well, I knew that he had been acting and undertaking assignments for the White House for that period and I certainly knew that he had the confidence of whoever it was that he was working with, and when he mentioned Mr. Ulasewicz as someone to do this, I said that I would, I certainly would have confidence in him.

Mr. DASH. Did you know whether or not—did you know what kind of assignments he had undertaken for the White House before?

Mr. KALMBACH. No, sir; I did not, Mr. Dash.

Mr. DASH. But you knew that he would be somebody that you could have confidence in?

Mr. KALMBACH. Well, I knew that he was a retired New York City police officer who was competent and I was certain that he was someone that could be trusted and I would be——

Mr. DASH. Who other than Mr. Dean were you thinking of when you say they would have confidence? Did you mean Mr. Haldeman?

Mr. KALMBACH. Well, whoever he was talking for. He was using the editorial "we" all the time.

Mr. DASH. Well, if he was talking for anybody over in the White House, who did he work with most often, to your knowledge?

Mr. KALMBACH. Mr. Dean?

Mr. DASH. Yes.

Mr. KALMBACH. Well, he worked with practically everyone in the White House. But, of course, principally——

Mr. DASH. Who above him?

Mr. KALMBACH. He reported to Mr. Ehrlichman. And he also worked closely with Mr. Haldeman. He did not mention their names in this conversation.

Mr. DASH. Have you ever been given any other assignment of this nature in the past?

Mr. KALMBACH. No, sir.

Mr. DASH. After meeting with Mr. Dean, what did you do? Did you indicate, first, that you would accept this assignment from Mr. Dean?

Mr. KALMBACH. I did.

11. In early July 1972 the President met with John Ehrlichman. Ehrlichman has testified that they discussed executive clemency with respect to those who might be indicted in connection with the break-in at the DNC headquarters, and that the President told him that he wanted no one in the White House to get into the area of executive clemency with anyone involved in the Watergate case and that no assurances of executive clemency should be made to anyone. At the time of this discussion with Ehrlichman, the President was aware that Howard Hunt had "surfaced" in connection with the Watergate break-in and was a former member of the Special Investigations Unit in the White House (the "Plumbers"). The President was concerned that the FBI investigation of the break-in not expose the activities of that unit.

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1 A No.

2 Q It is an affirmative statement, as you recognize.

3 A Unquestionably my recollection of that was better
4 then than it is now because I just haven't had any occasion to
5 go back over that.

6 BY MR. NEAL:

7 Q So the answer is that there may be some there in the
8 President's papers, but at the present time you have no recoll-
9 ection of what the conversation would be and with whom?

10 A No.

11 BY MR. BEN-VENISTE:

12 Q Can you furnish the other two that you have mention-
13 ed to this Grand Jury within the next day or so?

14 A Yes. I wish you would ask my attorney and I would
15 be happy to provide those.

16 Q When was the first time you had ever heard or dis-
17 cussed with anyone the subject of clemency with respect to
18 any of the persons who were indicted or who might have been
19 indicted in connection with the Watergate break-in?

20 A As I recall, that would have been a conversation
21 that I had with the President around the week of the Fourth of
22 July of 1972.

23 Q That's the very first time?

24 A That I can recall, yes.

25 Q Who was present?

DV

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A No one else. DV

Q What was the substance of that conversation?

A Well, it was a very long, rambling conversation about a lot of things, and in the course of that we talked about the Watergate defendants, and I raised the point with the President that presidential pardons or something of that kind inevitably would be a question that he would have to confront by reason of the obvious political aspect of this.

We discussed it briefly at that point. He expressed the firm view that for what he considered to be very sound reasons, he would never be in a position to grant a pardon or any form of clemency in this case.

And then on the basis of that, he and I agreed, and I can't say who said it, that this ought not to be a subject that was ever brought to his door; that it just should be something that was excluded from his consideration.

Q And I take it at this point, on the basis of all your previous testimony, that there was no suggestion that this break-in had been authorized by anyone connected with the White House or the Committee to Re-elect the President, or anyone representing the President?

A That's right, but it was obviously an effort -- on the four corners of it -- an effort adverse to our opposition, our political opposition, and if the President were ever invited to take any action on clemency, all kinds of suspicions and

DV

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1 all kinds of imputations to them would then arise.

2 Q Well, this was quite premature for consideration of
3 clemency, which normally takes place after trial and conviction
4 of the defendants, and some service of sentence.

5 Why did you believe at that time, if I understand
6 your testimony, that it would inevitable or it was likely that
7 this subject would come up for discussion?

8 A Well, I didn't think it was inevitable, but I thought
9 it was certainly a hazard in this thing for the President, and
10 this was a matter of foresight as far as I was concerned.

11 Trying to anticipate future problems that might come
12 up is one of the things that I was there for.

13 Q In July of 1972 you said to the President that this
14 was a hazard which might come up, and that it was something
15 that you ought to discuss then?

16 A I didn't say we ought to discuss it. I said it was
17 just something that came in the flow of the conversation and
18 we did discuss it.

19 Q What else were you discussing at that time that this
20 came in the flow of?

21 A I'm hard pressed to tell you offhand. It was about
22 a three or four hours conversation, and we were just all over
23 the lot.

24 I can remember one thing we discussed was the devel-
25 opment of the waterfront on the southern coast of California.

DV

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1 Q Well, let's move from waterfronts to Watergates. I
2 take it that this came in the flow of some other conversation
3 about the Watergate matter.

4 A I'm sure it did, but I can't tell you what it was.
5 It was in the setting of the Watergate episode then being quite
6 removed from the President and his candidacy and the re-elec-
7 tion effort by reason of the identity of these defendants
8 being so removed from any hierarchy or from the White House.

9 I think I raised this in the sense that there were
10 only a couple of ways that it could ever be imputed to the
11 President or could any way be a liability to him, and obviously
12 this was one of those ways.

13 Q That if prior to the election he grants an executive
14 clemency to someone who hadn't been tried yet?

15 A No, not prior. I wasn't thinking of prior. I was
16 thinking of sometime off in the future. In other words, we
17 were looking at it in the long haul and not in any near term
18 immediacy basis at all.

19 Q And you both wanted to make sure that no one repre-
20 senting the White House would have any discussion linking the
21 President to any question of clemency or leniency with respect
22 to these arrested defendants?

23 A That's the way we generally ended up with an under-
24 standing to that effect. It wasn't this great huge thing at
25 that time at all. It was just the first time I can ever

38 1 remember a discussion on that subject.

2 Q And you say that there was no suggestion from any
3 other person at any time before that that this might be an
4 area that you ought to discuss either prophylactically or
5 otherwise?

6 A Not that I can recall, no.

7 Q When was the next time you heard anyone discuss the
8 matter of clemency?

9 A The next time that I remember it being a question
10 or a problem was in January of this year at this meeting with
11 Mr. Dean and Mr. Colson on the subject of Mr. Hunt.

12 Q Between July and January you have no recollection of
13 anyone at all even mentioning the subject of leniency, clemen-
14 cy, the length of sentence that any of the defendants might
15 get, how they might react to a long sentence, and so forth?

16 A I remember conversations about -- well, speculation
17 about sentence.

18 Q With whom did you have that conversation?

19 A Just speculation. I don't know. It may have been
20 one of the things that Dean was reporting from time to time.
21 He was, of course, talking to the Justice Department, and he
22 was trying to anticipate what was going to happen in the case,
23 and he was bringing advance tidbits, so to speak, as they would
24 come along, and I think this business of sentencing was one of
25 those things that he brought over.

DV

74

1 A That's right.

2 Q Now you have testified in the last two days that
3 -- apparently contrary to your Senate testimony -- that Mr.
4 Dean did not tell you on June 19th, 1972, that he had had
5 a conversation with Liddy, and that Liddy had said that it
6 was Liddy's operation, and Dean further related that it was
7 just a matter of time before the Justice Department picked him
8 up.

9 You've testified that you are unclear about that,
10 and you think that it might not have been until the Fourth of
11 July when you heard that from Dean. Is that fair to say?

12 A No. I think what's fair to say is that I'm not
13 sure and I'm not. I don't intend to testify contrary to any
14 prior testimony, but I do have to give you the best sense of
15 my recollection that I have, and the sense of it is that it
16 was later than that date.

17 Q But your best recollection is that it was between
18 June 19th and the Fourth of July?

19 A Someplace in that area.

20 Q Now when was the first time that you were aware
21 that the President was aware that Liddy had an involvement in
22 this business?

23 A I don't know.

24 Q Was the President aware of that on the Fourth of
25 July?

DV

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1 A I haven't any idea.

2 Q Was he aware of it before the 10th of July, based
3 on your long and very complete discussions with him on the
4 6th, 7th, and 8th of July?

5 A I don't know.

6 Q Was he aware of it at the time you had a discussion
7 about the possibility of executive clemency coming up for
8 some of these people?

9 A I don't know. I don't recall discussing Liddy with
10 the President, or his indicating his awareness of Liddy to
11 me on any specific occasion.

12 Q But you have testified that you were aware of it,
13 say by July 6th, or that week of July 4th when you -- after
14 July 4th when you had these conversations with the President,
15 you were undoubtedly aware from Dean that Liddy had admitted
16 to Dean that it was Liddy's operation, is that correct?

17 A I would assume so.

18 Q And are you testifying that you were aware of that
19 and you had conversations with the President about the possi-
20 bilities of Executive clemency for these people, and you just
21 omitted to tell the President the general counsel for the
22 finance committee had admitted to Dean that it was his opera-
23 tion?

24 A No, I'm not testifying to that.

25 BY MR. BEN-VENISTE:

DV

First of all, did you have—your logs show that you had meetings with John Dean on January 3, 1973, January 4, and January 5.

Would you tell the committee what the subject of those meetings was, beginning with the 3d?

Mr. EHRLICHMAN. On January 3, I met twice with Mr. Dean, once alone at noon and once at 7 p.m. with Mr. Colson. The meeting with Mr. Colson related to a letter which Mr. Dean had told me about at our earlier brief meeting, and this was a letter which I believe Mr. Colson had received from Mr. Hunt. I believe I am correct about that. It was a very melancholy and a very passionate kind of letter. I think the letter is in the record, as a matter of fact. And it talks about his being abandoned by his friend and so on. It was on the heels of Mr. Hunt having lost his wife.

Mr. Colson was genuinely concerned and shaken by this. He had had long friendships with the Hunts, both Mr. and Mrs., and he had proposed to Mr. Dean that he get together with Hunt or with Hunt's attorney, at least, to register his continuing friendship and his compassion for Hunt's loss of his wife and so on, and so that Hunt would not feel that he had been abandoned by his friend. This is the thing that we discussed with Mr. Colson that evening at 7 o'clock.

I took it as almost a given in the meeting that there would be some contact between Mr. Hunt or his attorney and Mr. Colson. And it was simply a question of what the proper conduct would be under the circumstances, it being, obviously, delicate to have a White House contact of one of the defendants right at this particular point in time. So it was discussed and it was discussed in terms not of a personal meeting between them, which is what Mr. Hunt, apparently, wanted in the letter, but Mr. Colson talking with William Bittman, who was then Hunt's attorney, and conveying this message of support, personal support through that avenue.

Mr. Dean raised the cautionary warning that if anybody from the White House sat down with Mr. Bittman in a situation like this, that there was an inevitable opportunity for misunderstanding as to the purpose of the meeting, as to assurances that might or might not be given, and so forth.

Clemency was obviously at the forefront of everybody's mind in this meeting as one of the things which was a potential danger, and I advised both people at the meeting, Mr. Dean and Mr. Colson, of a previous conversation that I had had with the President on that subject, and indicated to them that—

Senator GURNEY. That was back in July, was it?

Mr. EHRLICHMAN. Yes, sir. I indicated to them the substance of that conversation, which was that the President wanted no one in the White House to get into this whole area of clemency with anybody involved in this case, and surely not make any assurances to anyone.

Mr. Colson said that he was sure that he could avoid that pitfall and have the conversation. He was advised by Mr. Dean to either take notes or make such mental notes of the conversation that he could reconstruct the conversation if the question ever came up again. And that is what Mr. Colson did. We had a subsequent meeting where—

Senator GURNEY. Before we go to the subsequent meeting, could you be a little more explicit in your testimony as to how the discussion arose about Executive clemency? Who brought it up, and who said what on this subject at the January 3 meeting?

Mr. DASH. Now, I think, your diary shows you did meet with Mr. Colson and Mr. Dean on January 3, and then you met with the President and Mr. Haldeman on January 4 and again with Mr. Dean and Mr. Colson on January 5. This is approximately the time that Mr. Dean had testified that the request or the issue came up concerning Mr. Hunt's desire for Executive clemency. Mr. Colson and Mr. Dean, according to Mr. Dean's testimony, spoke to you about it and that you said, according to his testimony, that you would check with the President and came out and said that no commitment should be made, but that some assurance should be given to him. Do you recall that, not the testimony, but do you recall him doing that?

Mr. EHRLICHMAN. Doing what, Mr. Dash?

Mr. DASH. Being asked by Mr. Colson and Mr. Dean to raise the question of Executive clemency for Hunt with the President?

Mr. EHRLICHMAN. All right, stop right there. They did not do that. Now, go ahead.

Mr. DASH. All right.

You are checking with the President whether or not it would be possible to give Mr. Hunt Executive clemency.

Mr. EHRLICHMAN. That would be on the 4th of January in the company of Dr. Kissinger and Mr. Haldeman; is that right?

Mr. DASH. Sometime around that.

Mr. EHRLICHMAN. That meeting at 3:02 on the 4th. Is that the meeting you are suggesting?

Mr. DASH. You met with the President a couple of times during that period of time but on the 4th you did meet with the President?

Mr. EHRLICHMAN. I did not, as a matter of fact. I met with the President one time on the 4th at 3:02 in the company of Mr. Haldeman and Dr. Kissinger. Is that the time you are suggesting that I asked the President if we could give Mr. Hunt Executive clemency?

Mr. DASH. Did you meet with the President on January 5?

Mr. EHRLICHMAN. Not according to my record. Oh, excuse me, Dr. Kissinger and I had a 10-minute meeting with the President at 4:55 on that day.

Mr. DASH. Did you at any time meet with the President and discuss Executive clemency?

Mr. EHRLICHMAN. Yes.

Mr. DASH. When?

Mr. EHRLICHMAN. In July of 1972.

Mr. DASH. Now, why in July of 1972 would you be discussing Executive clemency with the President?

Mr. EHRLICHMAN. Because it occurred to me as an organizational proposition that sooner or later somebody was going to raise this issue and I thought it would be a very good idea to talk it through with the President before it came up in any specific context, and find out exactly where we stood.

Mr. DASH. By that time the indictment had not come down?

Mr. EHRLICHMAN. That is correct.

Mr. DASH. It was shortly after the break-in. Why would it even come to your mind that any of the defendants would have raised the question of Executive clemency?

Mr. EHRLICHMAN. Because you had a defendant who was an employee of the Committee To Re-Elect the President and it seemed to

me just a very natural thing that inferences would be raised at some time in the future. We had a long walk on the beach on that particular day and we talked about a lot of subjects and this was one of the subjects we talked about.

Mr. DASH. Had you had any discussion with Mr. Colson or Mr. Hunt at that time about it?

Mr. EHRLICHMAN. At that time?

Mr. DASH. Yes.

Mr. EHRLICHMAN. Not that I can recall.

Mr. DASH. It would seem unlikely that you would and it just is somewhat surprising that so early after the break-in you would even be talking about Executive clemency with the President.

Mr. EHRLICHMAN. Who did it surprise, Mr. Dash?

Mr. DASH. I said it does seem surprising.

Mr. EHRLICHMAN. To you?

Mr. DASH. To me, that you in July, shortly after the break-in, before any indictments, that you would be discussing Executive clemency, but that is your testimony, that you did.

Mr. EHRLICHMAN. All right, that is what happened.

Mr. DASH. And you never did after having any discussions with Mr. Dean later on in January?

Mr. EHRLICHMAN. I am sorry, I did not hear the question.

Mr. DASH. And you never again discussed that with the President after talking with Mr. Dean about Executive clemency?

Mr. EHRLICHMAN. Never again? No, I think there were discussions in March and April of this year about the allegations that Mr. Dean was making.

Mr. DASH. I am referring back earlier to the January period because, to put the point in time accurately, just before Mr. Hunt pleaded guilty is when Mr. Dean—

Mr. EHRLICHMAN. Mr. Dean's original story was, of course, that I jumped up from the meeting and ran downstairs and popped into the Oval Office which, of course, was nonsense. So then, he contrived this other story and neither one of them are true, Mr. Dash.

Mr. DASH. On February 10, 1973, you, Mr. Haldeman, Mr. Dean, and Dick Moore did meet in La Costa, did you not?

Mr. EHRLICHMAN. Yes, sir.

Mr. DASH. Could you tell us what the purpose of that meeting was?

Mr. EHRLICHMAN. Yes, that meeting was called because the President had asked who was handling the preparation of the White House case for the Senate Select Committee hearings, and what planning was being done, and what was the White House position going to be on matters like executive privilege, and there were no answers to those questions. We had just come from the inaugural, everybody had been very busily occupied up to that point, and frankly, there was not anybody handling that, and so one of us, and I forget who, called John Dean and asked him to come out, and sit down and talk through this whole subject of White House response, so to speak, to the upcoming hearings of the Senate Select Committee.

Mr. DASH. Well, did the discussion include just—not only the White House response in general on executive privilege issues, but did it also include what steps you might take in terms of affecting the resolution authorizing this committee? What steps you might take in obtaining

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to

write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 24, 1973

Upper Great Lakes Regional
Commission

*Announcement of Intention To Nominate
Raymond C. Anderson To Be Federal Cochairman.
November 16, 1973*

The President today announced his intention to nominate Raymond C. Anderson, of Maple City, Mich., to be Federal Cochairman of the Upper Great Lakes Regional Commission. He will succeed Thomas F. Schweigert, who became Alternate Federal Member of the Delaware River Basin Commission on September 6, 1973.

From 1969 to 1971, Mr. Anderson served as executive assistant to Michigan Gov. William G. Milliken. He has been retired since 1971 and was also retired from 1964 to 1969. From 1959 to 1964, he served as administrative assistant to then-Congressman Robert P. Griffin, from 1952 to 1959, he was administrative assistant to Senator Charles E. Potter of Michigan, and he was administrative assistant to Congressman Roy O. Woodruff of Michigan from 1937 to 1944 and from 1946 to 1952.

He was born on March 5, 1912, in Grand Rapids, Mich. Mr. Anderson was graduated from Grand Rapids Junior College in 1932. From 1944 to 1946, he served as an officer in the U.S. Navy.

NOTE: The announcement was released at Key Biscayne, Fla.

Associated Press Managing
Editors Association

*The President's Remarks in a Question-and-Answer
Session at the Association's Annual Convention in
Orlando, Florida. November 17, 1973*

THE PRESIDENT. President Quinn and ladies and gentlemen:

When Jack Horner,¹ who has been a correspondent in Washington and other places around the world, retired after 40 years, he once told me that if I thought that the White House Press Corps answered (asked) tough questions, he (I) should hear the kind of questions the managing editors asked him. Consequently, I welcome this opportunity tonight to meet with the managing editors of the Nation's newspapers.

I will not have an opening statement because I know, with 400 of you, it will be hard to get through all of the questions you have, and I understand the President has a prerogative of asking the first question.

Mr. Quinn [John C. Quinn, Gannett Newspapers, and president, Associated Press Managing Editors Association]

WATERGATE AND THE FUTURE

Q. Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin. When leaving the Constitutional Convention he was asked, "What have you given us, sir, a monarch or a republic?" Franklin answered, "A republic, sir, if you can keep it."

Mr. President, in the prevailing pessimism of the lingering matter we call Watergate, can we keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly not be standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep it, not only for ourselves, but for the whole world. I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder whether this republic can survive. But I also know that the hopes of the whole world for peace, not only now, but in the years to come, rests in the United States of America. And I can assure you that as long as I am physically able to handle the position to which I was elected, and then reelected last November,

¹ Gannett D. (Jack) Horner was a reporter with the Washington Star from 1937 until his retirement in November 1973. Since 1974 he was White House correspondent for that newspaper.

ran out in the middle of a conversation with Mr. Kleindienst in the middle of the afternoon, Sunday afternoon.

And a later conversation I had, the rest of Kleindienst's conversation, a later conversation I had also with Mr. Petersen, and the conversation at 9 o'clock at night with Mr. Dean was not there.

So I tried to find whatever recording, whatever record that would help the prosecutor in this instance to reconstruct the evidence, because it was the evidence that he was after and not just the tape.

What I found was not a dictabelt. What I found was my handwritten notes made at the time of the conversation. I have turned those over to or have authorized my counsel to turn those notes over to the judge, so that he can have them checked for authenticity, and I understand there are ways that he can tell that they were written at that time. Those handwritten notes are available.

And then I did one other thing which I think will also be helpful. The next day I had a conversation with Mr. Dean in the morning at 10 o'clock. That conversation was recorded, and in that conversation there are repeated references to what was said the night before, and when compared with my handwritten notes it is clear that we are discussing the same subjects.

That entire tape, as well as the conversation I had in the afternoon with Mr. Dean for about 20 minutes will be made available to the court even though the court has not subpoenaed them.

I would just simply say in conclusion you can be very sure that this kind of a subject is one that is a difficult one to explain. It appears that it is impossible that when we have an Apollo system that we could have two missing tapes when the White House is concerned. Let me explain for one moment what the system was. This is no Apollo system. I found that it cost—I just learned this—\$2,500. I found that instead of having the kind of equipment that was there when President Johnson was there, which was incidentally much better equipment, but I found—and I am not saying that critically—but I found that in this instance it was a Sony, a little Sony that they had, and that what they had are these little lapel mikes in my desks. And as a result the conversations in the Oval Office, the conversations in the Cabinet Room, and particularly those in the EOB, those are the three rooms, only those three rooms, where they recorded—for example, the Western White House had no recording equipment, and my house in Key Biscayne had none—but as far as those particular recordings are concerned, the reason that you have heard that there are difficulties in hearing them is that the system itself was not a sophisticated system.

I do not mean to suggest by that that the judge, by listening to them, will not be able to get the facts, and I would simply conclude by saying this: I think I know what is on these tapes from having listened to some, those before March 21, and also from having seen from my secretary's notes the highlights of others. And I can assure

you that those tapes when they are presented to the judge and, I hope, eventually to the grand jury, and I trust in some way we can find a way at least to get the substance to the American people, they will prove these things without question:

One, that I had no knowledge whatever of the Watergate break-in before it occurred.

Two, that I never authorized the offer of clemency to anybody and, as a matter of fact, turned it down whenever it was suggested. It was not recommended by any member of my staff but it was, on occasion, suggested as a result of news reports that clemency might become a factor.

And third, as far as any knowledge with regard to the payment of blackmail money, which, as you recall, was the charge that was made, that Mr. Hunt's attorney had asked for \$120,000 in money to be paid to him or he would tell things about members of the White House Staff, not about Watergate, that might be embarrassing.

Testimony had been given before the Senate committee that I was told that before the 21st of March, actually told it on the 13th of March. I know I heard it for the first time the 21st of March, and I will reveal this much of the conversation—I am sure the judge wouldn't mind.

I recall very well Mr. Dean, after the conversation began, telling me, "Mr. President, there are some things about this I haven't told you. I think you should know them." And then he proceeded then for the first time to tell me about that money.

Now, I realize that some will wonder about the truth of these particular statements that I have made. I am going to hand out later—I won't hand them out, but I will have one of your executives hand out my May 22 statement, my August 15 statement, and one with regard to these two tapes. You can believe them if you want—I can tell you it is the truth because I have listened to or have had knowledge of, from someone I have confidence in, as to what is in the tapes.

Q. Mr. President, Richard Tuttle, Democrat and Chronicle, Rochester, New York. Could you tell us your personal reaction and your political reaction—and within that word I mean your credibility with the American people—your reaction to the discovery that the Dean and Mitchell tapes did not exist?

THE PRESIDENT. Well, my personal reaction was one of very great disappointment, because I wanted the evidence out, and I knew that when there was any indication that something didn't exist, immediately there would be the impression that some way, either the President, or more likely, perhaps somebody on the President's staff, knew there was something on those tapes that it wouldn't be wise to get out. But let me point out again, while I was disappointed, let me say I would have been a lot more disappointed if the tapes that had been considered important by both Mr. Cox, the Special Prosecutor, and the Ervin committee, if any one of those had been missing.

Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about these operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

report having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal

12. In or about July 1972 and at other times subsequently, John Dean told H. R. Haldeman that CRP was raising funds for those involved in the break-in at the DNC headquarters.

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Mr. DASH. And certain wiretaps that had been taking place for certain security purposes.

Mr. HALDEMAN. I did know of security wiretaps.

Mr. DASH. Now, when did it come to your attention, Mr. Haldeman, that certain funds were being raised to pay for the legal fees of the defendants?

Mr. HALDEMAN. Sometime in the period shortly after the Watergate break-in and I am not sure again of any specific date or occasion on which I became aware of that, but I was told at some time in that period and I was told at other times subsequently, I am sure by John Dean, and I think possibly also by John Mitchell, that there was an effort by the committee to raise funds to pay for the legal fees and for family support of the defendants who had been arrested in the Watergate burglary.

Mr. DASH. Now, when you received that information from Mr. Dean and/or Mr. Mitchell, did you raise any question? Did you ask why Mr. Mitchell, who was heading up the campaign, and Mr. Dean, who was counsel to the President, would be involved in raising funds to pay for legal fees and families of burglars and wiretappers?

Mr. HALDEMAN. No; I did not. This was incidental information that I received and dismissed. I did not pursue it in any way.

Mr. DASH. Well, did you consider that if that became public that it might be a matter of embarrassment to the campaign?

Mr. HALDEMAN. No; I did not consider that.

Mr. DASH. Why not?

Mr. HALDEMAN. I am not sure that one is able to explain why he did not think something, but I did not. The reason—let me say that as a partial explanation—I have had a general awareness that there was a public effort to raise funds for the Watergate defendants and I do not know that I knew that these efforts were different than the public effort.

Mr. DASH. Do you know what—

Mr. HALDEMAN. There was a reference to the Cuban fund.

Mr. DASH. Do you know whether it was a public effort to raise funds for Mr. Liddy, Mr. Hunt, Mr. McCord?

Mr. HALDEMAN. No; and I never heard any discussion of this in my contacts other than as a group, the defendants. There was no discussion of individuals by name.

Mr. DASH. You say you did not consider it, but I can at least ask the question: Is it your view that persons who had high positions in administering the President's reelection campaign and certainly the President's counsel, had any business participating in raising funds for the paying of legal fees for burglars, wiretappers, or conspirators?

Mr. HALDEMAN. This is not a question that occurred to me, Mr. Dash, and I did not ask it of myself or any of them.

Mr. DASH. You formed no moral judgment on it at all?

Mr. HALDEMAN. No, sir.

Mr. DASH. By listening to passing reference, is it your recollection that you condoned it?

Mr. HALDEMAN. Well, I do not think I was called upon to condone or condemn. I think I received information and that was that.

Mr. DASH. Well, when Mr. Dean gave you information of that kind,

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I take it, he expected that if you guys agreed with that action you would tell him so.

Mr. HALDEMAN. Not necessarily. I do not think it was submitted to me for approval. I think it was transmitted to me as information.

Mr. DASH. Just a point of information.

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Now, there came a time, and I think we referred to this briefly when you looked at that memorandum, that you learned that a large sum of money, \$350,000, had come from the Committee To Re-Elect the President to the White House.

Mr. HALDEMAN. Well, I did not learn that it had come from them. I caused it to come.

Mr. DASH. You asked for it?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. And I think your statement indicates that it was for polling purposes.

Mr. HALDEMAN. Yes.

Mr. DASH. As a matter of fact, it was not used for polling purposes, was it?

Mr. HALDEMAN. That is correct, it was not.

Mr. DASH. Then you learned, and I think it is your testimony, it went back to the committee.

Mr. HALDEMAN. That is correct.

Mr. DASH. And is it your statement that you saw or knew of no connection between the money going back, the \$350,000 or whatever amount went back to the committee, that you were aware of no connection between that money going back and the need for more funds to pay the legal defense fees and family support fees of these Watergate defendants?

Mr. HALDEMAN. Let me very specifically refer to my statement and to the development of events in that regard. I can repeat the statement if you want to.

Mr. DASH. I do not want you to repeat the statement.

Mr. HALDEMAN. OK.

Mr. DASH. If you could just briefly answer the question whether or not you knew of a connection between the money going back and the need for it for a defense fund.

Mr. HALDEMAN. As I said in my statement, I was asked by Mr. Strachan after the election what should be done with the cash fund that he had been custodian of. I told him that it should be returned or not returned but turned over to the Committee To Re-Elect and that he should work out the means of doing that with John Dean.

Subsequently, I was told that there was a problem in doing that. Subsequently to that, I was told by John Dean again as I had been told earlier, that there was a continuing need for legal fund, legal fees, for the Watergate defendants and at that time, following this sequence of events, I then said we have a desire to deliver funds to the committee. The committee apparently has a desire for funds and I suggested that Dean try to carry out both of those two objectives, which he subsequently did.

Mr. DASH. All right. Now you knew, at least that this \$350,000 represented campaign funds, did you not?

source of the money or whether it was campaign money or any of the details about the \$22,000 that Stans had made available. I could not locate Strachan and Stans indicated that it should be picked up immediately but I cannot recall at this time the reason he called for the immediacy. Accordingly, I asked Mr. Fielding to pick up a package from Stans and give it to Strachan as soon as he could.

I informed Stans that Fielding would be over to pick up the package but he would not know what he was picking up and when I later learned that Stans had informed Fielding I was somewhat annoyed because I felt it was unfair to Fielding. The money was then given by Fielding to Strachan but no final decision had been made regarding how to dispose of the \$350,000.

Having explained the status of the cash at the White House, I must now return to the pressure that was being placed on the White House for the use of these funds which I have just described for payments to the seven indicted individuals. This pressure began long before election day in that Paul O'Brien was receiving messages from William Bittman, Hunt's lawyer, that Hunt and others expected to have more support money and attorney's fees in exchange for continued silence. The initial payments by Kalmbach had not been sufficient. O'Brien reported this frequently to Mitchell, Mardian, LaRue, and myself. I, in turn, was reporting to Haldeman and Ehrlichman.

There were discussions in late July, August, and September of using these funds at the White House for these payments. I informed Haldeman of these discussions, but they were still in the discussion stage and no action was taken.

After the election, the pressure was greatly increased when Colson received a call from Mr. Hunt, which Colson recorded. Colson brought the recorded call to me and I, in turn, transcribed it onto a cassette tape. I have been informed by the committee counsel that the committee has in its possession a transcript of the conversation between Colson and Hunt in which Hunt makes demands for money. On November 15, I arranged a meeting with Haldeman and Ehrlichman so that they could hear the tape of the conversation Colson had had with Hunt and also to inform them of the increased and now threatening demands that were being transmitted through Hunt's lawyer to Mr. O'Brien and in turn on to the White House.

Haldeman and Ehrlichman were at Camp David at that time developing the plans for the reorganization of the executive branch for the second term of the Nixon administration. I departed on the morning of November 15 for Camp David with Mr. Walter Minnick, who was going to Camp David to discuss the reorganization plans with Ehrlichman. Mr. Minnick had been doing virtually all of the legal work at that time for Ehrlichman on the reorganization plan and was a member of Ehrlichman's staff. In fact, I was somewhat surprised that the counsel's office had not been more involved, or involved at all, prior to that time in the reorganization plans. After arriving at Camp David, Ehrlichman, Haldeman, and I went into the President's office in Laurel Lodge, which was empty. I have referred earlier to the fact that in this meeting the matter of Dwight Chapin's remaining at the White House was discussed.

It was after that discussion that I told them of the telephone conversation between Hunt and Colson and played the tape for them and

13. On July 5, 1972 John Mitchell was interviewed by agents of the FBI and stated to them that he had no knowledge of the break-in at the DNC headquarters other than what he had read in newspaper accounts of that incident. Mitchell has testified that prior to the time he was interviewed by the FBI he received a report from Robert Mardian and Fred LaRue of a conversation they had with Gordon Liddy in which Liddy described his role in the Watergate break-in; but he was not sure this information was correct when he was interviewed by the FBI on July 5, 1972 and he was not volunteering any information under any circumstances.

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Mr. MITCHELL. I think that would have been the magnitude or consequence. Obviously, Mr. Liddy was known to me, attended meetings in the Justice Department on different subject matters including the drug abuse law enforcements and so forth, that would not have been of that magnitude.

Mr. DASH. In any event, your statement that you had no information whatsoever as to any of the circumstances on September 5 is quite different than your testimony before this committee, is that not so?

Mr. MITCHELL. I believe that to be true, and I believe the rechecking of the records, and the committee being kind enough to furnish me a copy of the agenda that Mr. Dean provided, and further reflection so it has brought the subject matter very much into focus.

Mr. DASH. Now, you testified you asked Mr. Mardian to make an investigation for you as to the Watergate break-in. Did those instructions include cooperating with the Federal Bureau of Investigation?

Mr. MITCHELL. The matter involved, I do not recall coming back on the plane from California, whether that was specifically discussed or not, but there was a policy within the committee that they should cooperate with the FBI and, of course, that was the basis for the discharging of Mr. Liddy when he did not cooperate.

Mr. DASH. Well, did you ever give instructions that there should be cooperation with the FBI to Mr. Mardian?

Mr. MITCHELL. Mr. Dash, I don't recall the specific words. I would presume that it would be——

Mr. DASH. Did you consider——

Mr. MITCHELL [continuing]. Implicit in his actions.

Mr. DASH. Did you include yourself in that requirement to cooperate with the FBI?

Mr. MITCHELL. I would certainly believe so.

Mr. DASH. Isn't it a fact, that you were interviewed by Special Agents Mahan and Lill on July 5, 1972? Do you recall that?

Mr. MITCHELL. I recall there was an interview, Mr. Dash. I don't recall the date.

Mr. DASH. Do you recall being interviewed as to what knowledge you had of the Democratic National Committee break-in and informing the agents that the only knowledge you had was what you read in the newspapers?

Mr. MITCHELL. That is correct.

Mr. DASH. As a matter of fact, by July 5, and that is pretty close to June 21 or 22, you have been given information by Mr. Mardian on what Mr. Liddy told him about that break-in.

Mr. MITCHELL. Mr. Dash, at that particular time, I was not sure whether that information was correct or otherwise.

Mr. DASH. Whether it was correct or not, the FBI was making an investigation and would not you want to give whatever leads or information they wanted, having been the former Attorney General and knowing how the FBI investigates, so they could check that out?

Mr. MITCHELL. Mr. Dash, at that particular time, we weren't volunteering any information for the reason that I have discussed here.

Mr. DASH. Right. So that in other words, your answer to the FBI was part of the decision that you made, a strong decision for the reasons you have given, to see to it that none of these things got out.

Mr. MITCHELL. It was the decision of those that were involved to not volunteer any information under any circumstances.

Mardian and Mr. LaRue based on Mr. Liddy's statement, to back them up?

Mr. MITCHELL. You are talking about this time, you are talking before Magruder—

Mr. DASH. Before Magruder's testimony before the grand jury.

Mr. MITCHELL. Before Magruder's testimony before the grand jury. I would believe that during that period of time there were some discussions of the so-called White House stories, yes.

Mr. DASH. Was there—

Mr. MITCHELL. Horrors, I mean not stories.

Mr. DASH. Was there a concern expressed by you to Mr. Halde-
man or Mr. Ehrlichman concerning whether stories would be revealed during this campaign?

Mr. MITCHELL. I think that we all had an innate fear that during the campaign that they might be revealed. I recall discussing it specifically in that area but I am sure we must have had a mutual concern about the subject matter.

Mr. DASH. Well, did you yourself form a personal position as to what should be done about revealing this material?

Mr. MITCHELL. I formed the opinion and a position that I did not believe that it was fair to the President to have these stories come out during his political campaign.

Mr. DASH. Were you aware that there was a program actually going on so as to actually prevent these stories from coming out?

Mr. MITCHELL. Now, which program are you talking about, Mr. Dash, so I can be sure to answer your question properly?

Mr. DASH. Well, a program on the part of yourself, Mr. Dean, Mr. Haldeman, Mr. Ehrlichman, and perhaps Mr. LaRue and Mr. Mardian to see to it that the information that got to the prosecutor or to the grand jury or to the civil suits did not in any way include this information concerning the so-called White House horrors, as you described them?

Mr. MITCHELL. Well, Mr. Dash, that is a very broad question and covers a lot of areas. I may answer it, perhaps, by saying that we sure in hell were not volunteering anything. In addition to that, we were involved in a very difficult series of civil litigation, as you know, that involved discovery and all the rest of it. So we were not volunteering anything.

Mr. DASH. But you say you did come to know that, prior to Mr. Magruder's testimony, that he was going to testify falsely?

Mr. MITCHELL. I think I can put it on the basis that I had a pretty strong feeling that his testimony was not going to be entirely accurate.

Mr. DASH. Right, and this discussion, I think you have already testified, was part of the discussion of some of the meetings with Messrs. LaRue, Mardian, Dean, and Magruder.

Mr. MITCHELL. That is correct.

Mr. DASH. Would it be correct—

Mr. MITCHELL. I think the best way to put it is that Mr. Magruder would seek an audience to review his story that he was going to tell, rather than somebody was trying to induce him to do so. I think Mr. Magruder has testified that nobody coerced him to do this, that he made up the story, that he did it of his own free will. So it was more of a basis

of Mr. Magruder recounting to these assembled groups what he was going to testify to.

Mr. DASH. But would it be fair to say, Mr. Mitchell, that it was in the interest of the group to have the story that did go into the grand jury and the ultimate indictments that did come out cut off at Liddy? And Mr. Magruder, who was in such a high position in the committee, would not be involved in that type of thing?

Mr. MITCHELL. Mr. Dash, I think you are jumping from one conclusion to another without the bridge. What we were really concerned about were the White House horror stories. Now, if the cutoff that you speak of helped in that direction, perhaps that was probably the case. In other words, Watergate did not have the great significance that the White House horror stories that have since occurred had.

Mr. DASH. Would you say that whatever coverup was taking place to this point, concealment and not volunteering information, had to do with actually preventing the so-called White House horror stories rather than Watergate break-in?

Mr. MITCHELL. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Mr. DASH. Well, did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, indicate that he had in fact informed them of the actions that had been taken—the strategies performed by your group?

Mr. MITCHELL. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Mr. DASH. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg, and other situations?

Mr. MITCHELL. Yes, and that was somewhere down the line, probably much later than the time frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

Mr. DASH. All right, now, let us look very briefly to the so-called wiretapping of the journalists and Mr. Kissinger's staff as a result of the SALT talk leaks. Were you aware of the leaking and those wiretaps?

Mr. MITCHELL. Mr. Dash, I find it hard to give you a specific answer other than the fact that, yes, I was. To what extent, I do not know. This happened in 1968 and they were national security wiretaps. They should have a full record of everything that was handled in the Department of Justice, because every security tap, whether it be a strict national security dealing with foreigners or whether it is the type that the court has since frowned upon, is filed in the Department of Justice.

Mr. DASH. But this would require your authority as Attorney General, would it not?

Mr. MITCHELL. I would believe that the FBI would probably not operate without it. I am not sure of that, but I believe that that would be the case.

14. On or about July 7, 1972 after several unsuccessful efforts by Ulasewicz to deliver funds for the Watergate defendants to attorneys, and after telephone conversations among Kalmbach, LaRue and Dean, instructions were given by Kalmbach to Ulasewicz to contact Howard Hunt's attorney, William Bittman. After that contact was made and after approval by Kalmbach of a \$25,000 payment, Ulasewicz delivered \$25,000 to Bittman by placing an unmarked envelope containing the money on a shelf in the lobby of Bittman's office building.

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in the room and wrapped it in a laundry bag, and so I, after that we both called it the laundry, as to how much money you had available.

Mr. DASH. And he carried it back then—

Mr. KALMBACH. That was just—and he carried it back in that laundry bag, as I recall it.

Mr. DASH. Kind of a significant name at this time to be used for that money, was it not?

Mr. KALMBACH. Yes.

Mr. DASH. Did you ever use the term "script" in such a conversation?

Mr. KALMBACH. I think we had that term "script."

Mr. DASH. Script for the writing?

Mr. KALMBACH. Meaning the script of all of the players involved, the defendants and certain of these attorneys that were representing certain of the defendants.

Mr. DASH. Now, did Mr. Ulasewicz have any knowledge or reason to know about these activities? He knew what you knew, did he not?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Did you discuss with him at all the property of this activity?

Mr. KALMBACH. No, sir; I just told him that it was proper, and I told him that the purpose, as I have stated, was to furnish legal help for these people, and to furnish them with family support.

Mr. DASH. You did know, of course, that the particular people who were getting this money for their legal defense or support of families were charged or indicted with, under the crime of burglary, and illegal wiretapping and conspiracy, did you not?

Mr. KALMBACH. I knew the essence of the charges; yes, sir.

Mr. DASH. All right.

Other than being told by Mr. Dean that this would be an appropriate thing to do, you made no independent inquiry as to the property of this?

Mr. KALMBACH. No; I made none.

Mr. DASH. Now, how were instructions about the distribution of funds given to you and Mr. Ulasewicz? Was that by phone from Mr. LaRue or Mr. Dean?

Mr. KALMBACH. Probably 90 percent of the time it was by telephone. The other 10 percent was in personal discussion with him in his office or more usually in Mr. Dean's office.

Mr. DASH. Now, what was the first instruction you received to give money?

Mr. KALMBACH. Again, as I have tried to reconstruct this, Mr. Dash, the first instruction that I received, which I passed to Mr. Ulasewicz was to have Mr. Ulasewicz give \$25,000 to Mr. Caddy. I don't know much of Mr. Caddy, I understand he is an attorney here in Washington. And, as I recall it, this was probably from approximately July 1 through July 6 or 7. There were a number of calls. I would talk to either Mr. Dean or Mr. LaRue, I would then call Mr. Ulasewicz who, in turn, would call Mr. Caddy. He would have some response from Mr. Caddy, and I would call back up to either Mr. Dean and Mr. LaRue.

Mr. DASH. What was the response from Mr. Caddy?

Mr. KALMBACH. Well, the sum and gist of it was in that Mr. Caddy refused to accept the funds.

Mr. DASH. In that manner?

Mr. KALMBACH. That is correct. That was the end-all. There were several telephone calls, but the final wrap-up on it was that he refused to receive the funds.

Mr. DASH. Who was contacted next, which lawyer?

Mr. KALMBACH. I think Mr. O'Brien was contacted and again with the same result.

Mr. DASH. He refused to receive the funds?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And then who next was approached?

Mr. KALMBACH. I think then it was Mr. Bittman, and Mr. Bittman—I think this may have been when the name Rivers was used, Mr. Dash, but my recollection would be that Mr. Bittman received \$25,000, probably sometime during the second week of July 1972.

Mr. DASH. Did you follow any usual procedure that Mr. Ulasewicz would make the contact and pay the money, he would call you and then you would call Mr. Dean and tell him it had been accomplished?

Mr. KALMBACH. Or Mr. LaRue.

Mr. DASH. Or Mr. LaRue. Were all these phone calls booth to booth?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Even when you spoke to Mr. Dean?

Mr. KALMBACH. Yes; that is correct.

Mr. DASH. Or Mr. LaRue?

Mr. KALMBACH. That is correct.

Mr. DASH. What other lawyers were supposed to receive money, to your recollection, Mr. Kalmbach?

Mr. KALMBACH. Well, after the disbursement to Mr. Bittman, I think there was—most of the remaining funds went to Mrs. Hunt who, in fact, was the person who did the distributing thereafter and she distributed to these other attorneys.

Mr. DASH. Mrs. Hunt?

Mr. KALMBACH. Yes.

Mr. DASH. Now, when you next—when did you next return to Washington, after this first series of meetings, where you received this money and met with Mr. Ulasewicz, when did you next return to Washington?

Mr. KALMBACH. Well, the next time that I was back in Washington involved in this assignment, Mr. Dash, was, I think it was, on July 19.

Mr. DASH. What happened at that time? What brought you back?

Mr. KALMBACH. Well, at that time, I think I was asked to come back, I think by either Mr. Dean or Mr. LaRue, and to meet with Mr. Dean and Mr. LaRue in Mr. Dean's office in the Executive Office Building.

Mr. DASH. Did you receive any money from Mr. LaRue at that time?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. How much was that?

Mr. KALMBACH. Oh, some \$40,000 was received from Mr. LaRue at that time.

Mr. DASH. Where did you receive it?

Mr. KALMBACH. In Mr. Dean's office.

Mr. DASH. Did you receive any additional instructions at that time?

Mr. KALMBACH. I may have, Mr. Dash. I am not certain as to that.

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Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. I would like to get your receipts all at once here if I can. Where was the next place that you received money from Mr. Kalmbach?

Mr. ULASEWICZ. At the Regency Hotel in New York City.

Mr. LENZNER. Approximately how much?

Mr. ULASEWICZ. \$40,000.

Mr. LENZNER. And approximately when was that?

Mr. ULASEWICZ. That would have been in July.

Mr. LENZNER. Of 1972?

Mr. ULASEWICZ. 1972.

Mr. LENZNER. Where was the next delivery?

Mr. ULASEWICZ. At the Hilton here in Washington, \$28,900.

Mr. LENZNER. Again approximately when was that?

Mr. ULASEWICZ. In July.

Mr. LENZNER. And—

Mr. ULASEWICZ. And then my recollection is the final amount was \$75,000 at the Airporter Inn in Los Angeles opposite the Orange County Airport.

Mr. LENZNER. All right.

Now, going back to the original \$75,100 what denominations was that in did you say?

Mr. ULASEWICZ. Hundred dollar bills.

Mr. LENZNER. Where did you keep that cash?

Mr. ULASEWICZ. I kept it at home.

Mr. LENZNER. Did there come a time when you received these other amounts that you left them somewhere else?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Where was that?

Mr. ULASEWICZ. In a safe deposit box.

Mr. LENZNER. Now, after you got back to New York, did you hear from Mr. Kalmbach again?

Mr. ULASEWICZ. I did.

Mr. LENZNER. And what instructions, if any, did he give you?

Mr. ULASEWICZ. He mentioned—he told me to call a Mr. Caddy.

Mr. LENZNER. Mr. Caddy?

Mr. ULASEWICZ. Right, Mr. Caddy, to come back to Washington, D.C., and call Mr. Caddy.

Mr. LENZNER. Approximately—

Mr. ULASEWICZ. He supplied me with a telephone number.

Mr. LENZNER. How soon after you left Washington did he tell you that?

Mr. ULASEWICZ. It probably was the same evening or the next morning.

Mr. LENZNER. What did you do? Did you go down to Washington and call Mr. Caddy?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Will you tell us the conversation you had with him.

Mr. ULASEWICZ. I contacted Mr. Caddy and he suggested that he would—prior to this is when Mr. Kalmbach said, "Tell him that." And it was of the code names we had gotten into other names, Tom Kane, and John Ferguson and Tommy Smith so there was a little confusion once in a while on that. However, at this—

Mr. LENZNER. Who gave you those names?

Mr. ULASEWICZ. Mr. Kalmbach and myself in conversation, as kind of backup.

However, with—in this case he instructed me to use, I believe it was John Rivers when I called Mr. Caddy and on this occasion I was to say the purpose of my call to Mr. Caddy was that I was asking the cost of a script, of a play plus the salaries of the players, which I did. I contacted Mr. Caddy, and he was—and he responded and said he would meet me in a restaurant sometime in the afternoon here in Washington, D.C.

Mr. LENZNER. Just to clarify it, you identified yourself to Mr. Caddy as Mr. Rivers, is that correct?

Mr. ULASEWICZ. I believe Mr. Rivers, yes. In most of these transactions it was Rivers.

Mr. LENZNER. Was there any reason for the code name Rivers for you to use?

Mr. ULASEWICZ. No.

Mr. LENZNER. Now, did you go to that restaurant in Georgetown?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. What happened there?

Mr. ULASEWICZ. I waited for Mr. Caddy's arrival. However, a phone call came in, I was paged by the bartender, Mr. Caddy got on the phone and said that he couldn't meet me, after speaking to somebody in his office in the attorney's office that he could not meet me, would I be able to come and see him. I told him I would get in touch with him. My instructions originally with Mr. Kalmbach was that I enter no negotiations at any time that he would not enter negotiations. This is refreshing my memory again and the other thing he said was that I am to do, if I received amounts or so, I am not to deliver anything until I get in touch with Mr. Kalmbach, and throughout these—continually throughout these negotiations and drops and whatever may come up, this was the pattern, that I would make the contact as directed, but I would take no action until I reported whatever was said or done to Mr. Kalmbach and even I would await a return call from Mr. Kalmbach, as to whether to proceed or not. In this case I reported Mr. Caddy's message and Mr. Kalmbach said, "Well," probably, "give me the number you are at—that is at a phone booth here in Washington. I will get back to you."

Mr. LENZNER. Did he call you back?

Mr. ULASEWICZ. My recollection is he did. He called me back and I think in this instance it was, "Call Mr. Caddy again." And this might have been an hour or so later. I called Mr. Caddy again and we got nowhere as far as any costs, I am now picturing that I am going to deliver the \$75,100 which I have under my arm and he is not going along with it, and so—

Mr. LENZNER. You had the money with you on that date?

Mr. ULASEWICZ. Oh, yes.

Mr. LENZNER. How did you carry it on that date?

Mr. ULASEWICZ. I carried it in a brown bag with, you know, the ordinary type of—with a little string around it. You know, sometimes carrying what is most obvious doesn't raise any suspicion, carrying an armed box would ask for trouble.

Mr. LENZNER. You were just carrying your lunch?

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Mr. ULASEWICZ. Carrying my lunch.

Mr. LENZNER. All right.

Mr. ULASEWICZ. Nevertheless, I got to, back to Mr. Kalmbach. This was a series of calls. Then somewhere in there, Mr. Caddy suggested that I should come up to the office, that they would have, where there was a corridor, a separate office, and we would not be observed, et cetera. So then, that I had to report back to Mr. Kalmbach.

I think these calls might have been going Californiawide by now, I am not too certain. Then he would attempt to get back to me. However, there was a delay. Apparently, he could not reach whomever he was attempting to reach, the communications were not there for some reason or other.

Then I probably went back to the city—the final result being that that was it with Mr. Caddy. We never did meet.

Mr. LENZNER. At some point, did Mr. Kalmbach tell you to drop the whole Caddy business?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. I take it you were having these conversations phone booth to phone booth between yourself and Mr. Kalmbach?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Were you loaded down with change, Mr. Ulasewicz?

Mr. ULASEWICZ. Oh, yes, indeed.

Mr. LENZNER. How did you carry that change?

Mr. ULASEWICZ. When I started out, I started with a kind of little box deal. When I finished up, I had a bus guy's, one of these things that the bus drivers have. [Laughter.]

Mr. LENZNER. After you got back to New York, did you again receive instructions from Mr. Kalmbach?

Mr. ULASEWICZ. Yes. Just about the time it ended with Caddy, which we got nowhere, and I still had the \$75,100, I was asked to call Mr. O'Brien, using the name of John Rivers.

Mr. LENZNER. Did you call him?

Mr. ULASEWICZ. I called Mr. O'Brien, received a very tart kind of brushoff response, and that was the end of that conversation. It was one phone call. He showed no interest in any script, players, or any type of message that I would give.

Mr. LENZNER. You were given the same instructions by Mr. Kalmbach to talk about a script, a scenario, the players?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Did you call Mr. Kalmbach again, telephone booth to telephone booth?

Mr. ULASEWICZ. I did.

Mr. LENZNER. And tell him—

Mr. ULASEWICZ. I told him exactly as I have related here.

Mr. LENZNER. Did he come back again with other instructions?

Mr. ULASEWICZ. He came back, gave me another person to call—it was not a person—he gave me a telephone number this time, no name involved. To the best of my recollection, when I called and it was answered, the fellow would be expecting a call, give the name of Mr. John Rivers or whatever name—it would have to be Rivers, I imagine.

Mr. LENZNER. Where was the number?

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Mr. ULASEWICZ. Washington, D.C., area. And I may have called from the city of New York at that time, because running around with \$75,100, trying to get rid of it was becoming a problem.

So I called the number and he said to me, you can talk to the writer's wife. And I said to him, well, as far as the writer's wife, I do not have a phone number. He said, why don't you do what I have to do, look in the phone book? So that was the end of that conversation, because that was apparently another one we were not going to get anywhere with.

Mr. LENZNER. Did you report that back to Mr. Kalmbach?

Mr. ULASEWICZ. I called Mr. Kalmbach again. All of these were precluded. I had to call and wait for a comeback. I began to call them Kalmbach comeback calls. [Laughter.]

So that was that.

Mr. LENZNER. Did you get further instructions from Mr. Kalmbach?

Mr. ULASEWICZ. Yes. I then was instructed to call Mr. Bittman in Washington, who I understood was an attorney.

Mr. LENZNER. What instructions did you have to talk to him?

Mr. ULASEWICZ. The same thing, the cost of the script, the writer, get what the attorney fees—not the attorney fees at this point. The cost of the script, the players, et cetera.

Mr. LENZNER. You were using the same name, Mr. Rivers?

Mr. ULASEWICZ. I believe so, yes.

Mr. LENZNER. Did you call Mr. Bittman?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Did you speak to him?

Mr. ULASEWICZ. I spoke to Mr. Bittman and I recall that in the first conversation, Mr. Bittman said, "Well, I understand." He was expecting a call. He said, "Well, this is very unusual." He said something like, I do not know if you are an attorney, but an attorney does not anticipate fees and costs in this manner.

I said, "Well, I am instructed not to negotiate in any manner. I understood that you would have a figure" and I told him that I am prepared at this time if we can get down to this, because at this point, I still wanted to get rid of all those cookies, \$75,100.

And he brought in the situation that—he was not prepared at that time, something was not according to the way he liked. I so reported to Mr. Kalmbach, received my call back from Mr. Kalmbach. He told me again to call and contact Mr. Bittman.

Now, this is some period of time passes by. Mr. Bittman said, all right, his initial fee would be \$25,000.

Mr. LENZNER. What period of time, Mr. Ulasewicz, are we talking about?

Mr. ULASEWICZ. This would be around July 8 to the 10th, in that period of time.

Mr. LENZNER. You are talking now about your discussions with Mr. Bittman?

Mr. ULASEWICZ. With Mr. Bittman, correct.

Mr. LENZNER. And did you call Mr. Kalmbach and tell him Mr. Bittman had indicated he wanted an initial fee of \$25,000?

Mr. ULASEWICZ. I did.

Mr. LENZNER. What was Mr. Kalmbach's response?

Mr. ULASEWICZ. He said to deliver it to Mr. Bittman in any manner I saw fit.

Mr. LENZNER. Did he give you any instructions about not being seen by Mr. Bittman?

Mr. ULASEWICZ. Oh, yes; those came in after the Caddy call, that somehow conversations were arranged that I would not now be seen by anybody, to do the money without being observed, in a confidential manner.

Mr. LENZNER. That was Mr. Kalmbach's instructions to you?

Mr. ULASEWICZ. Right.

Mr. LENZNER. Now, you expressed some concern about carrying this amount of money around with you. How were you traveling during this period of time?

Mr. ULASEWICZ. By airplane, Eastern Airlines shuttle, usually.

Mr. LENZNER. Did you ever change your mode of travel? Did you have a problem on the plane?

Mr. ULASEWICZ. Well, there was a period of time, of course, with the hijacks and all—they started a searching system on the airlines and that was a little problem. I got in line one time to come back—when I had the problem, it would be only \$50,000 at this time. A fellow in front of me, two or three persons in front of me stopped and had to produce—I think four packs of cigarettes or something, set off the alarm. So I went into a coughing fit and I went down to the Pennsylvania Railroad and took the train home.

Mr. LENZNER. Well, now, you arranged, as I understand it, Mr. Ulasewicz, to furnish Mr. Bittman with \$25,000 for the script. Was that the end of the conversation?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And how did you arrange to deliver that money?

Mr. ULASEWICZ. I contacted Mr. Bittman right from the lobby of his office there. I spoke with him and I told him that I had the cash. Prior to that, I went out to a drugstore in the area, bought a couple of envelopes and some scotch tape, and I had to count out \$25 from that \$75,100—\$25,000 from the \$75,100 original, which I did, and I put it into a plain kraft brown envelope.

I called Mr. Bittman from the lobby of his building. There are two or three phone booths. On one side of the phone booth was a ledge with the phone books and I called Mr. Bittman.

Mr. LENZNER. Mr. Ulasewicz, if I may interrupt you, could you now approach the easel and tell me if you can identify this first photograph?

Now, you started to describe, Mr. Ulasewicz, where you left us, is that the lobby of the building?

Mr. ULASEWICZ. Yes [78]*, this is the lobby, these are the phone booths, these are elevators going to either side, and that is Ulasewicz right there.

Mr. LENZNER. Very good. Would you now indicate on the photograph where you called from and what happened after that?

Mr. ULASEWICZ. I called from this telephone booth [indicating] to Mr. Bittman and told him that I had the delivery and that would he

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

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come right down and that it would be on the ledge at the telephone booth.

Now, this gentleman is standing where the ledge is. There are two or three or four telephone books and there is a ledge above, a kind of space. I told him it would be a brown sack and that the money would be lying right there, would he come right down, if he walk right through and pick it up and go back to the elevator, I would be satisfied.

Mr. LENZNER. Now, thereafter, did an individual come down on the elevator?

Mr. ULASEWICZ. We had a description of clothing as I phoned, as I recall, that he would be wearing a brown suit or something at that time.

Mr. LENZNER. Did somebody come down wearing those clothes?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Where were you at that time?

Mr. ULASEWICZ. I was in a telephone booth. I had it half shut. There was another person in a booth. These booths on weekdays are very heavily used. There is a newsstand section in front. There is quite a bit of traffic on a weekday. This was taken on a Saturday afternoon.

He came right out of this elevator, the first elevator, and walked right over, picked it up, walked right back in, and went up.

Mr. LENZNER. Now, Mr. Ulasewicz, rather than having you go back and forth several times between the table and the easel, I would like to go ahead and continue, if it is OK, and have you describe other contacts that you made with individuals you furnished with money.

Did there come a time later when Mr. Kalmbach instructed you to furnish funds to Mrs. Hunt?

Mr. ULASEWICZ. Yes, that is correct.

Mr. LENZNER. Did you have a conversation with Mrs. Hunt where you arranged to furnish her with some funds?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Would you just describe what you told her, as to how she could pick up her money?

Mr. ULASEWICZ. I told Mrs. Hunt that at a certain time in a day, and I picked an hour, to come into the lounge of the American Airlines, which is a long lounge area, leading right through the building. There are ticket desks on one side, seats in the center and it is a very busy area. And at the center of that, she should check with the time on a large clock, so it would be almost exactly at that time. It would be 12 noon and if she saw 5 to 12, to go back out and come back at that time.

She followed instructions explicitly.

In the meantime, whatever drop I would have at the time, I would put in this particular locker and take the key. [79]* And just before, when I pulled up with the instructions, now, 5 minutes before I knew she was coming, there was opposite, and about 25 feet away, across from Northwest Orient Airlines, there is a series of telephone booths, five or six booths [81]*, and there is a newsstand across and there is a bit of traffic.

Before making the arrangements, I spent some time observing the telephone booths and of all the booths, watching people going in and out, the most I saw in one for some reason, people didn't use the very end one. So that is the reason I used that and left the key.

So 5 minutes prior to the time I would tell her to come, I would go into this telephone booth and underneath where the coin drop is, I

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Senator GURNEY. You never asked her what she was going to do with it?

Mr. ULASEWICZ. No, sir.

Senator GURNEY. This \$25,000 to Mr. Bittman, as I recall, that was the only payment you made to any of the attorneys directly, is that correct?

Mr. ULASEWICZ. That is correct, sir.

Senator GURNEY. Well now, this is a rather unique way of paying attorneys' fee, is it not?

Mr. ULASEWICZ. Yes, sir; it is a way.

Senator GURNEY. Did Mr. Bittman express any surprise at this method of getting his fee?

Mr. ULASEWICZ. Oh, yes, in the initial conversation he probably said something that it was unusual, and I said "Well, however, those are my instructions" and then I made a call and relayed his message and I was told "No, it will be accepted." When I called back, Mr. Bittman agreed to take it.

Senator GURNEY. Would you go into that a little further, the discussion about how his figure came up and how this attorney fees was going to be paid?

Mr. ULASEWICZ. Well, when I spoke to Mr. Bittman he told me that it was the first conversation, that it was an unusual manner to discuss lawyers' fees, that you don't know about how much expenses will be entailed, and he started to go into appeals could come in, and I said "Well, I have no knowledge of this, I am told that you would have a figure and I am prepared to deliver that figure." I was thinking in terms of the \$75,100 which I brought with me.

Senator GURNEY. What did he say to that when you asked him or said to him, "I was told you were going to name a figure."

Mr. ULASEWICZ. He said "Well," he said, "No, let me," something to the effect, "Let me get back or get back to me," and I relayed the message to Mr. Kalmbach, and after a period of time——

Senator GURNEY. He said "Get back to him later."

Mr. ULASEWICZ. Yes; he said to discuss it or he indicated something that he was not taking it at that time. He was not going to accept the money in that manner at that time.

Senator GURNEY. He did name a figure of \$25,000?

Mr. ULASEWICZ. Finally he named a \$25,000 figure in the next to the last conversation.

Senator GURNEY. Why didn't he want to get into the business of taking it or arranging for the taking it at that time. He was perfectly willing to negotiate the fee with you, is that correct?

Mr. ULASEWICZ. He did not negotiate with me and I think that is the answer to the first question, he had to go back and negotiate a fee with either his client or somebody else, and then he seemed, then he gave me the figure. I think he negotiated with his client or——

Senator GURNEY. Well, you say he negotiated with his client and gave you the figure you mean in another phone conversation?

Mr. ULASEWICZ. In whatever manner they were dealing with his client, I don't know.

Senator GURNEY. Let's go back here, you called him on the phone?

Mr. ULASEWICZ. Yes, sir.

Senator GURNEY. And the purpose of your calling him on the phone was to find out what he wanted for a fee, isn't that right?

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Mr. ULASEWICZ. That is correct. But it wasn't—yes, it was the cost of a script, of course, which was a subterfuge and he didn't come up with a number at all. He didn't come up with a figure, I so reported to Mr. Kalmbach. Mr. Kalmbach says all right I will get back to you, he got back and he says call him again. This might be a day or it might be an hour, I don't recall which. I call Mr. Bittman back, and he would start in that conversation with, "Well, you know, a flat fee is very unusual thing and all" and I said "Well, I have no control over that, I am prepared for a figure, for a figure, for the cost of a script." And I would repeat the whole thing and he says "Well," he says "Can you get back to me?" I says "All right" and I reported that to Mr. Kalmbach.

Senator GURNEY. That is the second conversation?

Mr. ULASEWICZ. Second conversation. I think I had four conversations or five with Mr. Bittman, and then finally he mentioned that he would accept the money and he gave me the figure of \$25,000.

Senator GURNEY. Finally on the fourth conversation he mentioned a figure?

Mr. ULASEWICZ. That is correct, sir.

Senator GURNEY. And he hadn't mentioned any figure before that?

Mr. ULASEWICZ. No, sir.

Senator GURNEY. All this other business is horsing around?

Mr. ULASEWICZ. Yes, sir.

Senator GURNEY. Why?

Mr. ULASEWICZ. I think he had to straighten it out with his client or with somebody is the only thing I can assume.

Senator GURNEY. All right, now we arrive at a figure of \$25,000. Then what happened?

Mr. ULASEWICZ. I placed the \$25,000 in an envelope.

Senator GURNEY. Well, hold off now.

Mr. ULASEWICZ. I reported to Kalmbach, I reported the figure to Kalmbach. My instructions were I never was to give anything until finally I reported and got the OK from Mr. Kalmbach. I reported to Mr. Kalmbach and he got back to me and said "OK, deliver the money."

Senator GURNEY. Incidentally, in these phone calls with Mr. Kalmbach, while you were—I will not use the word—negotiating—talking to Mr. Bittman on the phone, what was his reaction about all this time spent in phone conversations with Bittman?

Mr. ULASEWICZ. No particular reaction. I think it was agreeable to him, or he was trying to make his mind up as to what kind of a fee.

Senator GURNEY. Was he calling anybody about this, do you know?

Mr. ULASEWICZ. Oh, I assume he was, yes, sir.

Senator GURNEY. Did he tell you?

Mr. ULASEWICZ. No, sir.

Senator GURNEY. Now we get to how it is going to be paid. Would you describe that?

Mr. ULASEWICZ. Yes; the manner of payment was I would place \$25,000 in a brown clasp envelope.

Senator GURNEY. I know that. Now let us go back to catching that. You arrive at a figure and that big hurdle is over. You must have told Mr. Bittman something about how you were going to make this contact.

Mr. ULASEWICZ. I told him I would get back to him, because I had

1 assurances were given us freely, without any requests on our
2 part or any stipulation that a plea of one sort or another
3 would be made by at least myself. I cannot speak for the
4 other defendants.

5 It was certainly an assumption on my part that the
6 option, all options were open to me and all legal expenses
7 would be paid.

8 There came a time when I believe I was in Mr. Bittman's
9 office and an anonymous delivery of funds was made.

10 May I consult counsel with regard to the chronology of
11 these particular events?

12 Mr. Hamilton. Please.

13 Mr. Hunt. I am prepared to continue unless you want
14 to --

15 Mr. Dash. No, no, go ahead.

16 Mr. Hunt. Let me go back a little for chronology's
17 sake.

18 Sometime in July, I would estimate within two to three
19 weeks of the time I had initially retained Mr. Bittman, Mr.
20 Bittman informed me had received an envelope
21 containing \$25,000 which he understood was to be applied to
22 legal fees for my representation.

23 Mr. Dash. Is that not related in any way to the early
24 discussions, these calls from Mr. Rivers to Mrs. Hunt?

25 Mr. Hunt. Mr. Bittman received a call from a gentleman

1 identifying himself as Mr. Rivers. What the mechanics of the
2 transaction were I do not know. I have no first-hand evidence
3 of that. Suffice it to say that Mr. Bittman did inform me
4 of the receipt of \$25,000 which would be applied in my behalf.

5 Mr. Dash. About when was this?

6 Mr. Hunt. Before the end of July.

7 Mr. Bittman. For the record, the precise date was July 7.

8 I do not know exactly when it was I informed Mr. Hunt, but
9 it must have been on or about that date.

10 Mr. Dash. I think you have said, I want you to continue,
11 but at this point I think your sort of anonymous benefactors
12 or anonymous supporters had assured support. I do not know
13 whether I was out of the room when this was discussed.

14 You did mention at one point that Mrs. Hunt sometime
15 in June, was it, did go to the committee and speak to Mr.
16 O'Brien and Mr. Parkinson?

17 Mr. Hunt. Yes, sir, I covered that.

18 Mr. Dash. Was it never clear to you or through no
19 person by name as to who in fact was making any assurances?

20 Mr. Hunt. No, sir.

21 Mr. Dash. How were the assurances made? Was the
22 first knowledge of the assurances the fact that Mr. Rivers
23 made a call?

24 Mr. Bittman. Can I?

25 Mr. Dash. Yes.

DR

15. In mid-July 1972, upon instructions from Kalmbach, Ulasewicz delivered \$40,000 to Howard Hunt's wife for the benefit of the Watergate defendants and \$8,000 to Gordon Liddy by sealing these monies in unmarked envelopes and placing them in lockers at Washington National Airport. These payments were made from the funds Kalmbach previously had obtained from Stans and delivered to Ulasewicz. In the usual situation in making such deliveries to Mrs. Hunt, Ulasewicz informed Kalmbach of the amount requested, and Kalmbach in turn discussed the amount with Dean or LaRue, and then instructed Ulasewicz to make the delivery in a specified amount.

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come right down and that it would be on the ledge at the telephone booth.

Now, this gentleman is standing where the ledge is. There are two or three or four telephone books and there is a ledge above, a kind of space. I told him it would be a brown sack and that the money would be lying right there, would he come right down, if he walk right through and pick it up and go back to the elevator, I would be satisfied.

Mr. LENZNER. Now, thereafter, did an individual come down on the elevator?

Mr. ULASEWICZ. We had a description of clothing as I phoned, as I recall, that he would be wearing a brown suit or something at that time.

Mr. LENZNER. Did somebody come down wearing those clothes?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Where were you at that time?

Mr. ULASEWICZ. I was in a telephone booth. I had it half shut. There was another person in a booth. These booths on weekdays are very heavily used. There is a newsstand section in front. There is quite a bit of traffic on a weekday. This was taken on a Saturday afternoon.

He came right out of this elevator, the first elevator, and walked right over, picked it up, walked right back in, and went up.

Mr. LENZNER. Now, Mr. Ulasewicz, rather than having you go back and forth several times between the table and the easel, I would like to go ahead and continue, if it is OK, and have you describe other contacts that you made with individuals you furnished with money.

Did there come a time later when Mr. Kalmbach instructed you to furnish funds to Mrs. Hunt?

Mr. ULASEWICZ. Yes, that is correct.

Mr. LENZNER. Did you have a conversation with Mrs. Hunt where you arranged to furnish her with some funds?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Would you just describe what you told her, as to how she could pick up her money?

Mr. ULASEWICZ. I told Mrs. Hunt that at a certain time in a day, and I picked an hour, to come into the lounge of the American Airlines, which is a long lounge area, leading right through the building. There are ticket desks on one side, seats in the center and it is a very busy area. And at the center of that, she should check with the time on a large clock, so it would be almost exactly at that time. It would be 12 noon and if she saw 5 to 12, to go back out and come back at that time.

She followed instructions explicitly.

In the meantime, whatever drop I would have at the time, I would put in this particular locker and take the key. [79]* And just before, when I pulled up with the instructions, now, 5 minutes before I knew she was coming, there was opposite, and about 25 feet away, across from Northwest Orient Airlines, there is a series of telephone booths, five or six booths [81]*, and there is a newsstand across and there is a bit of traffic.

Before making the arrangements, I spent some time observing the telephone booths and of all the booths, watching people going in and out, the most I saw in one for some reason, people didn't use the very end one. So that is the reason I used that and left the key.

So 5 minutes prior to the time I would tell her to come, I would go into this telephone booth and underneath where the coin drop is, I

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

would scotch tape the key to the locker where I made my drop. [80]*

Then I would leave that area and either go by the newsstand opposite or—this would be where the phone booth would be. This is a lounge, where she would be coming through in this direction. [81]* This is a window for airplane observation by the public, et cetera, and I would probably be in this area, walk there, would be a little further behind, where I could watch the booth. Her directions were the same thing, don't hesitate, go right into the booth, remove the key, go to the locker. The locker would be 25 feet, I guess, or so across the corridor.

Mr. LENZNER. Now, before she arrived on the first occasion, did you also have a description of her, the clothes she was going to wear?

Mr. ULASEWICZ. Yes; she mentioned that day she would be wearing a blue outfit and I think she said her hair in a clip back off the shoulders.

Mr. LENZNER. Now, I believe on May 19 of this year, when we went out to that phone booth with you, there was some scotch tape underneath that telephone box?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, did you observe her on the first occasion come by, pick up the key, and go over to the box, which I think is N-301, and remove funds that you had left there?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Did you see her do that on other occasions?

Mr. ULASEWICZ. On two other occasions.

Mr. LENZNER. Now, the first occasion, how much money did you leave in that box?

Mr. ULASEWICZ. \$40,000.

Mr. LENZNER. The second occasion?

Mr. ULASEWICZ. I will just refer to the notes.

Mr. LENZNER. Sure.

Mr. ULASEWICZ. I mentioned there was one occasion that Mr. Hunt came. I mentioned actually there were four drops to the Hunts.

Mr. LENZNER. Four drops to the Hunts—three to Mrs. Hunt and one to Mr. Hunt?

Mr. ULASEWICZ. That is correct. There were \$13,000 the second time, \$18,000 the third, and \$53,500 on the last occasion, which was September 19.

Mr. LENZNER. All right, sir. Now, I take it you had the telephone booth under observation from the lounge after you left the key until at some point when Mrs. Hunt picked up the key?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. What if someone had come in and found that, Mr. Ulasewicz, while you were watching?

Mr. ULASEWICZ. Well, he would be very quickly relieved of that key. I think that is the best I can answer. Why put myself in that position?

Mr. LENZNER. I take it that was the purpose of keeping the booth under observation?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Did there come a time when you were instructed by Mr. Kalmbach to deliver funds to Mr. Liddy?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Do you remember approximately when that was?

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. ULASEWICZ. That was in July of 1972.

Mr. LENZNER. Did you contact Mr. Liddy and give him instructions as to how that money would be delivered?

Mr. ULASEWICZ. I did.

Mr. LENZNER. How much was that, by the way?

Mr. ULASEWICZ. \$8,000.

Mr. LENZNER. All right, sir. Now, will you explain what you told Mr. Liddy?

Mr. ULASEWICZ. I contacted Mr. Liddy. I had taken the phone number from Mrs. Hunt. She had made those arrangements, saying they needed money, and Kalmbach came back to me, delivered the money, \$78,000. In that conversation, he started, and it was the only one I had with him, he started on that occasion, started saying something about—again he thought I was in policymaking or some contact—and he said, "You can check with anyone and the stand-up guy," et cetera. I said, "Mr. Liddy, I am only delivering something in the package." He said "OK".

We made arrangements and in this instance, I placed the money in the locker at this end of the lobby and at the end of the lobby, the main area, where Eastern Airlines comes in here. [85]* I placed the money in the bottom locker. [82]* I placed the key in an envelope and placed it on a ledge here by the window [83]* and myself in a position back to observe, much in this fashion.

Mr. LENZNER. What is next to the travel—

Mr. ULASEWICZ. Next to the Mutual?

Mr. LENZNER. Insurance.

Mr. ULASEWICZ. Insurance situation here.

Mr. LENZNER. All right.

Mr. ULASEWICZ. Then he came in and did as instructed, told him he would be wearing a shirt of some description. He came in, walked by me and he proceeded up—there is a flight of stairs which lead to an upper deck, and I watched him from up here [84]*, and I lost sight of him, he had gone into a corridor leading in here and he probably thought that there were lockers in this area, and he went, however, he came back in maybe 30 seconds or so, and looking at his key opened the thing and took the money.

Mr. LENZNER. Now did there come a time when you were asked to deliver money to Mr. Fred LaRue by Mr. Kalmbach?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Was that in September of 1972?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And approximately how much was that?

Mr. ULASEWICZ. \$29,900.

Mr. LENZNER. What arrangements did you make with Mr. LaRue to deliver those funds?

Mr. ULASEWICZ. The instructions at that time from Mr. Kalmbach were there were two deliveries that day, one earlier to Mrs. Hunt in a manner as I described, and the second one to Mr. LaRue—shall I go into the entire conversation at this point?

Mr. LENZNER. Sure, go ahead.

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. ULASEWICZ. Mr. LaRue, Mr. Kalmbach said, gave me a telephone number and said, "Contact Mr. LaRue at 6 p.m. and Mr. LaRue lives in the Watergate apartments," which, of course, was a little surprise to me, and now we are back into the Watergate deal [laughter] and he said to leave, Mr. LaRue suggested that I leave the package at the desk and I said to Mr. Kalmbach that at no point have I been observed and I have been obeying the instructions as best as I know how and I certainly am not going to walk in and leave it at the desk because that is a third party. He said, "All right, handle it any way you want, as usual," et cetera.

What I did is there is a garage opposite where Mr. LaRue lived in the Watergate, his entrance had one telephone booth and it was very—it was being used quite a bit—so I didn't go there but I hated to go to where I did go, which was the Howard Johnson Hotel across from Watergate which was used in the original situation and that is where I wound up.

I placed the key, I called Mr. LaRue, and asked him to come down, I had a package, he was waiting the call—6 p.m. exactly, he was awaiting the call and he says fine, he would be right down. I had never met Mr. LaRue. I asked him to put two magazines under his arm, come across the street, come into the motel entrance and the money would be on the ledge in the motel.

When he came out, it is a wide street, I watched him through the motel window here [86]* and he had two magazines. He stopped at the island because of heavy traffic, when he stepped off the island he was now approaching, I laid the money on the ledge in the envelope and I proceeded through a door back to the cigarette machines and I could see him come in, pick up the money, hesitate a moment, go right out and go back, back to his apartment.

Mr. LENZNER. So you had the money and him under observation until such time as he picked it up?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Thank you very much, Mr. Ulasewicz.

Can you return now to the table and we will go back and pick up some more of your conversations with Mrs. Hunt.

Now, after you delivered your \$25,000 to Mr. Bittman, did you so advise Mr. Kalmbach that you had made that delivery?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Now, after that, did you receive another phone call from Mr. Kalmbach instructing you to contact the writer or the writer's wife?

Mr. ULASEWICZ. Yes, and he gave me the telephone number to the writer's residence.

Mr. LENZNER. Who were you to call on that first occasion?

Mr. ULASEWICZ. The writer, who would be Mr. Hunt.

Mr. LENZNER. And did you have any instructions? What were you supposed to say to him?

Mr. ULASEWICZ. That a listing of the cost of the script and the same routine, the actors and who may be concerned in that show.

Mr. LENZNER. Did you call the number that Mr. Kalmbach had given you?

Mr. ULASEWICZ. No. The telephone number?

Mr. LENZNER. Yes.

Mr. ULASEWICZ. Yes, I did call.

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. LENZNER. Did you have a conversation—did you ask for the writer and talk to somebody out there?

Mr. ULASEWICZ. Yes, I spoke to a male whom I assumed was the writer. He was evasive and wouldn't recognize my call in any way, and that was the end of that call, and I got back to Mr. Kalmbach who then—I had to await a return call, and the return call was to call again—and that if the writer's wife, ask for the writer's wife which, of course, was Mrs. Hunt.

Mr. LENZNER. Did you call and ask for the writer's wife and talk to somebody?

Mr. ULASEWICZ. I did, and she answered the phone.

Mr. LENZNER. And you identified yourself as Mr. Rivers?

Mr. ULASEWICZ. Right.

Mr. LENZNER. And what—

Mr. ULASEWICZ. She was expecting the call so that the contact was first made at this point with Mrs. Hunt.

Mr. LENZNER. Could you describe the conversations that you had with Mrs. Hunt?

Mr. ULASEWICZ. Yes. I told her that I was calling regarding the figures and Mrs. Hunt stated that she started with a list of necessities of attorneys, attorney fees, and she went into the persons down, referring to people down South, with the necessity for aid.

Mr. LENZNER. I take it, Mr. Ulasewicz, you had a series of phone conversations during July of 1972 with Mrs. Hunt?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Well, can you tell the committee the substance of what those conversations concerned?

Mr. ULASEWICZ. Initially, Mrs. Hunt was—when she went into figures—I would inform her that I am not to negotiate, I was simply in a position to deliver whatever was necessary. However, she injected herself continually and early feeling that I would pass a message on or something of that type. She started out initially in the early conversation requesting rather than demanding or building up, but she would mention—she started with herself, the fact that she had lost her own job due to this and that should be taken into consideration, and that with that there are certain things with the job that, for instance, hospitalization, and whatever benefits might be there, that had been lost, and that she thought that perhaps \$10,000 or \$15,000 might—and this is no matter how many times I would try to stop her she would continue in with that. She said she was sure the same situation was occurring, and there was apparently—the calls I cannot separate completely but where it started from the four instances of dropping the money, she started with this suggestive way and then got into it heavier each time. Subsequently, she would mention the necessity of, that Mrs. Liddy was undergoing some psychiatric treatment or might be undergoing, and that she was a school teacher and that she probably would not be able to work as a result of this and that should be another amount of money.

When she spoke of costs to Mr. Hunt, her husband, Mr. McCord, Mr. Liddy, she gave figures of approximately \$3,000 a month would be satisfactory, and she had hoped that that might be done in some multiples so we would not go through this thing monthly, and then she mentioned the name of Barker and he was particularly—this is in the four conversations, not all in this one.

Mr. LENZNER. I understand.

Mr. ULASEWICZ. And it built up in that and no matter how many times I would say I am not negotiating, she got her bit in, and, of course, it continued in that manner.

When she got into Barker, she explained Mr. Barker had some peculiar problem in this matter, he was dealing with the people down South, that others may have become involved other than they started originally—there were some bail problems down South. She mentioned that she, in the course of these conversations over this period of time, that she was the one that was delivering the money to the various people after she had obtained it from me. Then she mentioned Sturgis, Gonzales, Martinez, and when she had mentioned Barker, she mentioned a sum of \$10,000 for under-the-table, and she mentioned Barker with his problems and with other people suggesting that there were others possibly involved, and this is toward the final calls, so excuse me.

Mr. LENZNER. With reference to Mr. Barker let us just stick with him for a second. When she made reference to him she was asking or seeking a specific sum of money, is that correct?

Mr. ULASEWICZ. Yes, with Mr. Barker.

Mr. LENZNER. Yes, sir.

Mr. ULASEWICZ. She was asking a sum of money which wound up to \$23,000.

Mr. LENZNER. How did she break that down?

Mr. ULASEWICZ. She broke it down \$10,000 bail, \$10,000 under-the-table, and \$3,000 for other expenses he was incurring with either coming up in this area and going back down or suggesting something of that type.

Mr. LENZNER. Then, when she spoke about her own expenses for—I take it, travel for delivering these funds?

Mr. ULASEWICZ. Right.

Mr. LENZNER. How much was she seeking for that?

Mr. ULASEWICZ. \$5,000 for her personal expenses.

Mr. LENZNER. When she talked about her travels, did she also discuss with you her concern about the people down South and what assurances they might be given?

Mr. ULASEWICZ. She wanted to, she was concerned that they receive money likewise for the support of their families and for attorneys.

Mr. LENZNER. Was there any discussion concerning the impending trial and its effect on the people down South?

Mr. ULASEWICZ. Yes; that some of them were getting uneasy, were getting nervous, and she intimated that unless the money was forthcoming that that certainly would help alleviate the situation.

Mr. LENZNER. You spoke about multiple sums, and I take it—by the way you were transmitting these requests, these concerns of Mrs. Hunt to Mr. Kalmbach?

Mr. ULASEWICZ. Continually; and no action taken until he would come back with an answer.

Mr. LENZNER. And was there an answer to the multiple sums that Mrs. Hunt was seeking for the defendants?

Mr. ULASEWICZ. Yes; it was to be \$15,000 to McCord, Liddy, and Hunt, \$6,000 to Barker, \$4,000 to Sturgis, \$2,000 to Gonzales, \$2,000 to Martinez.

Mr. LENZNER. And for how long a period was that to cover?

Mr. ULASEWICZ. Five months.

Mr. LENZNER. Now, in a later phone conversation with Mrs. Hunt, did that become a matter of concern?

Mr. ULASEWICZ. Yes; she said it was causing a problem down South because it so happened that they were concerned because the 5 months ended up in a period just after the election, and from that I gathered they feared that that was deliberate, and I reminded Mrs. Hunt she is the one that brought this matter up and I was cutting it off and as I did with the negotiations and I said, "I certainly do not think that is any situation here that I am concerned with, you will have to stick with the amount, the cost of the script," and so forth.

Mr. LENZNER. When you say down South, by the way, Mr. Ulasewicz, what are you referring to, do you know what Mrs. Hunt was referring to?

Mr. ULASEWICZ. The Florida area, Florida.

Mr. LENZNER. Now, was there also a discussion with Mrs. Hunt about the attorneys in the case?

Mr. ULASEWICZ. Yes; there was.

Mr. LENZNER. Would you tell us what she said to you about the attorneys?

Mr. ULASEWICZ. She said the attorneys, and she mentioned names of the defendants and their attorneys—she mentioned \$25,000 for Bittman for Hunt. Now, this was in addition, and I do not know if she knew I delivered the \$25,000, but she did present to me again in this text that Hunt and Bittman \$25,000; that McCord with Lee Bailey, \$25,000; Liddy with Maroulis, \$25,000; Barker with Rothblatt, \$25,000. The three others, each \$10,000, a total of \$30,000.

Mr. LENZNER. All right.

You were transmitting again those figures to Mr. Kalmbach?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Now, when you delivered your first delivery of \$40,000 to Mrs. Hunt at National Airport, how was that figure arrived at?

Mr. ULASEWICZ. Mr. Kalmbach gave me that figure, and at that time, it was the only time in these that he—in that message was to say a certain amount for people—and it was like a downpayment, because it was obvious that the \$75,000 was not going to cover into what we were getting.

Mr. LENZNER. And as a result you later picked up the various locations initial fund.

Mr. ULASEWICZ. Additional sums.

Mr. LENZNER. By he way, did there come a time when you totaled up the amounts of money that Mrs. Hunt was seeking?

Mr. ULASEWICZ. Well, it was, yes, it was in the vicinity of \$400,000 to \$450,000.

Mr. LENZNER. And did you have a conversation with Mr. Kalmbach concerning that figure and Mrs. Hunt's demands on you in California when you went to pick up the \$75,000 out there?

Mr. ULASEWICZ. Yes; that was in August, and it was the last pickup from Mr. Kalmbach, and shall I go through it?

Mr. LENZNER. Yes, why don't you tell us what you said to him and he said to you.

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Mr. DASH. Mr. Ulasewicz would use an alias?

Mr. KALMBACH. Yes, he would.

Mr. DASH. Do you know what Mr. Ulasewicz' alias was during this transaction?

Mr. KALMBACH. No, I think there were several.

Mr. DASH. Does the name Rivers make—

Mr. KALMBACH. That was one of those, yes, sir.

Mr. DASH. Did he suggest that name?

Mr. KALMBACH. Well, I do not know whether he did or whether I did, but in our conversation—but then back, I would then report to either Mr. Dean or Mr. LaRue, who would give us the directions or give me the directions. I would then give Mr. Ulasewicz the directions, he would then make the contact with the people.

Mr. DASH. Under your direction your conversation would be with Mr. Ulasewicz on the telephone?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And they would be from telephone booth to telephone booth.

Mr. KALMBACH. Yes, usually.

Mr. DASH. Could you just give me a scenario how you would contact Mr. Ulasewicz, or how he would contact you, what one would say to the other, and how you would do it?

Mr. KALMBACH. Well, if there is a typical, and I don't know if there is, but it would, I would receive a call either from Mr. Dean or Mr. LaRue with instructions to get a amount of funds over to one of the defendants or one of the attorneys. I would then call Mr. Ulasewicz, and so inform him.

Mr. DASH. You would call him and reach him at his home number?

Mr. KALMBACH. I would reach him in New York at his home number.

Mr. DASH. What would you tell him to do?

Mr. KALMBACH. I would call him from a pay phone. He would then—he told me the number of another pay phone and 15 minutes later I would call him and he would be at the pay phone.

Mr. DASH. When you called him did you use a telephone credit card?

Mr. KALMBACH. No, always it was in cash and it was using a good number of quarters.

Mr. DASH. Putting a lot of quarters in the telephone as you went along?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And when you referred to particular people who received, who would receive that, take for instance Mr. Hunt, did you have a particular code name for Mr. Hunt?

Mr. KALMBACH. I think we did. I think we called Mr. Hunt, just called him "The Writer," he had been an author, we called him "The Writer." I think we called Mrs. Hunt "The Writer's Wife."

I don't know that we had any other names for anyone else.

Mr. DASH. Did you have any particular code name for the money that was being distributed?

Mr. KALMBACH. No. If there is a code name the name developed in—when I was at the Statler and Mr. Ulasewicz came down to receive the \$75,100 that I had received from Mr. Staus, he came into the room and he didn't have a briefcase with him, so he just went to the shelf

the instructions to Mr. Ulasewicz to contact Mr. Caddy. And I think those instructions were received within a period of a few days after I returned on the 30th.

I thereupon called Mr. Ulasewicz' home in New York and gave him those instructions. He then went to Washington and there were several calls back and forth, I think, between he and Mr. Caddy. Then he would then call me. I would then contact either Mr. Dean or Mr. LaRue until finally, at one point, eventually, it was clear that Mr. Caddy would not receive the funds.

Senator GURNEY. You say he would not receive them?

Mr. KALMBACH. Yes, sir.

Senator GURNEY. Well, now, what eventually happened to them?

Mr. KALMBACH. Well, eventually, Senator, I think that an attempt was made to contact Mr. O'Brien, with the same result. Mr. O'Brien would not accept delivery of the funds.

Senator GURNEY. Now, this is an attempt on the part of Mr. Ulasewicz?

Mr. KALMBACH. Yes, sir; at my direction, and I had received the direction from either Mr. Dean or Mr. LaRue.

Senator GURNEY. Go on.

Mr. KALMBACH. Then I think it was in the second week of July that eventually, a delivery was made of \$25,000, I think to Mr. Bittman, by Mr. Ulasewicz, again at my direction and after I had received directions from either Mr. Dean or Mr. LaRue.

Senator GURNEY. In other words, that \$25,000 was turned over by either Dean or LaRue instructing you to instruct Ulasewicz to give it to Bittman?

Mr. KALMBACH. Yes, sir; that is right.

Senator GURNEY. Now, that accounts for \$25,000. What about the \$5,100—\$50,100?

Mr. KALMBACH. Well, sir; my recollection is that I think Mr. Ulasewicz disbursed some \$8,000 to Mr. Liddy. I know that I had instructed Mr. Ulasewicz to deduct from the funds that I gave to him whatever he needed for his expenses.

Senator GURNEY. Was this \$8,000 to Liddy upon your instructions?

Mr. KALMBACH. Yes, sir; I am certain that it was.

Senator GURNEY. Received from whom?

Mr. KALMBACH. From Mr. Dean or Mr. LaRue.

Senator GURNEY. Go on.

Mr. KALMBACH. And also, \$1,000 was—I received \$1,000 which I had turned over to Mr. Strachan at the White House in response to his request for \$1,000.

Senator GURNEY. All right.

Mr. KALMBACH. About that time, Senator, I received some \$40,000 from Mr. LaRue—I think it was on the 19th of July—which I gave to Mr. Ulasewicz. And from that time forward, I think my memory is that almost all of the funds went to Mrs. Hunt, with some \$30,000 going to Mr. LaRue on or about the 19th or—18th or 19th of September—that when the final payment was made to Mr.—one payment of some \$30,000 to Mr. LaRue and, I think it was some little more than \$50,000 to Mrs. Hunt at that time.

Senator GURNEY. Well, if we can go back now, we were down to, we accounted for \$34,000 out of the \$75,000.

Mr. KALMBACH. Yes, sir.

Senator GURNEY. Which would leave \$41,000, plus another \$40,000 from LaRue—\$81,000. Now, at that point, what happened as far as the instructions to do something with the \$81,000? What was the next step?

Mr. KALMBACH. Senator, throughout this period, several times, I received instructions to instruct Mr. Ulasewicz as to disbursements and as I say, I think most of those disbursements after mid-July, I think, went to Mrs. Hunt, who in turn distributed funds to various of the defendants and to various of the attorneys involved.

Senator GURNEY. Well, can you give us a little better understanding than that. Did you receive word from Dean or LaRue to give a amount to Mrs. Hunt?

Mr. KALMBACH. Yes, sir, I remember that, I was told from time to time to give a amount to Mrs. Hunt.

Senator GURNEY. Do you remember what those amounts were and when?

Mr. KALMBACH. No, sir. But in reconstructing this history in trying to develop what the amounts were and to whom these funds went, my memory is that approximately \$150,000 or thereabouts went to Mrs. Hunt, out of which certain of the attorneys were paid and various of the defendants. Beyond that \$150,000, there was \$30,000 that was given to Mr. LaRue in the final disbursement. Twenty-five thousand dollars was given to Mr. Bittman. I think \$8,000 was given to Mr. Liddy, as I remember it, \$1,000 to Mr. Ulasewicz, and \$1,000 which I retained and delivered to Mr. Strachan. Now that total is approximately \$220,000.

Senator GURNEY. And the amount, as I recall, was \$219,000?

Mr. KALMBACH. Yes, sir.

Senator GURNEY. So then as I understand it this rather large amount to Mrs. Hunt, approximately \$150,000 was paid from time to time and you don't actually recall the specific dates and the amounts?

Mr. KALMBACH. No, sir; I do not. I don't recall—I recall with particularity the dates when I received funds, but I don't recall with anything like particularity as to the dates that I called Mr. Ulasewicz or when instructions were given to Mr. Ulasewicz to make these disbursements and, as I said, after mid-July, I think most of all of the money went to Mrs. Hunt who, in turn, distributed the funds to various attorneys and other defendants, plus the \$30,000 that went to Mr. LaRue in September.

Senator GURNEY. What is your recollection of the instructions that you were receiving from Mr. Dean or Mr. LaRue at this time so far as payments to Mrs. Hunt are concerned?

Mr. KALMBACH. Well, the instructions as I remember it, were to give her funds for attorneys, and I recall the names of the attorneys over and above Mr. Bittman, Mr. Rothblatt. I think, Mr. Bailey and Mr. Maroulis, plus there were attorneys for—but I never, I could not, I do not remember the names of attorneys for other of the defendants, and a lesser amount was given to those attorneys, some three attorneys for three of the defendants.

Senator GURNEY. Who did the instructions come mainly from, Mr. Dean or Mr. LaRue?

Mr. KALMBACH. Well, initially it's my recollection that they came primarily from Mr. Dean, but shortly thereafter or shortly into the period there they began to come more from Mr. LaRue or although I always gained it interchangeably, Senator.

Senator GURNEY. In the raising of the money, as I understand it you received four amounts here that totaled \$219,000. Where did most of the pressure come from to raise this money, do you recall that, from whom?

Mr. KALMBACH. No, sir. I was just—I was given my instructions, again by Mr. Dean or Mr. LaRue and then I recall that Mr. Ulasewicz would receive communications from the people that he was talking to and primarily Mrs. Hunt, which I would relay back to these people, and then I would relay again back down after I received my instructions, I would then call Mr. Ulasewicz.

Senator GURNEY. Just one final question, Mr. Kalmbach: Did you have any discussions following the break-in of Watergate down to now with the President?

Mr. KALMBACH. No, sir.

Senator GURNEY. About Watergate?

Mr. KALMBACH. No. Not at any time.

Senator GURNEY. Neither on the phone nor in person?

Mr. KALMBACH. No, sir.

Senator GURNEY. That is all, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Thank you, Mr. Chairman.

Mr. Kalmbach, I want to get into an area that you have not testified on, that we have had reports in the press about it. Are you familiar with funds going into the State of Alabama during the 1970 election?

Mr. KALMBACH. Senator, I am familiar with funds that I disbursed in 1970 under instructions. I, at that time—I had no knowledge as to where the ultimate distributees would be.

Senator TALMADGE. Will you tell us about that fund, please?

Mr. KALMBACH. Yes, sir. During the 1970 period I was raising funds toward the—in the senatorial races, and also I was directed by Mr. Higby on three different occasions to disburse funds out of trust funds that I had under my control. I recall that there was a call that Mr. Higby made to me, in—I think it was in late March of 1970—directing that I disburse \$100,000 to someone there in New York.

I took these funds from the box, safe deposit box, at the Chase Manhattan Bank in New York and delivered them to an individual at the Sherry Netherlands Hotel in New York.

Senator TALMADGE. Who was the individual?

Mr. KALMBACH. I did not know his name, and do not know him.

Senator TALMADGE. How did you know you gave the \$100,000 to the right man?

Mr. KALMBACH. I was advised at a later date that I had given the funds to the right person.

Senator TALMADGE. Who gave you the instructions as to whom to meet and where?

Mr. KALMBACH. I talked to Mr. Higby, and he instructed me, and I said that I would deliver the funds at the Sherry-Netherlands Hotel, and an individual then came up to me and the identification was proper, and I—

October 2, 1972

Memorandum to: Mr. William O. Bittman

From: Dorothy Hunt

Subject: Accounting of Monies Received

In July, I received and paid out the following amounts:

\$5,000	Bail money for Frank Sturgis
\$15,000	Income replacement James McCord
\$12,000	Bail at \$4,000 each for Messrs. Barker, Martinez and Gonzalez
\$ 6,000	Income replacement for Mr. Barker
\$ 4,000	Income replacement for Mr. Sturgis
\$30,000	Income replacement for Mr. Hunt and Mrs. Hunt
\$ 3,000	Income replacement for Mr. Martinez
\$ 3,000	Income replacement for Mr. Gonzalez
\$10,000	Under table bail money for Mr. Barker
(Note: Income replacement was for a period of July-Nov.)	

In August, I gave Mr. Barker a total of \$3,000 for expenses of travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of \$88,000 and have paid out \$91,000 (using the final \$3,000 from my own funds)

You already have an accounting of the \$53,500 received on September 19th.

16. On July 19, 1972 Porter falsely stated to FBI agents that the funds he had paid Liddy were for the purpose of conducting lawful political activities.

Page

16.1	Herbert Porter, SSC report of FBI 302 interview, July 19, 1972.....	236
16.2	<u>United States v. Porter</u> information, January 21, 1974.....	242
16.3	<u>United States v. Porter</u> docket, January 28, 1974.....	243

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April 18, 1973 3:10 in the FBI Headquarters where I am now reviewing FBI 302's I will be reviewing the 302's of Magruder, Mr. Porter, Mr. Sloan, and Mr. LaRue.

The first interview will be of Mr. Herbert Lloyd Porter, 4340 Garfield St., N.W., Telephone Number 244-1823, Office address 1701 Pennsylvania Ave., N.W., Suite 417, Telephone 333-2615.

Mr. Porter was interviewed on July 19, 1972 by agents Michael L. Hanigan and Wm. Thomas Hajeski at this interview there was present Mr. Kenneth Wells Parkinson, attorney for the Committee. Porter stated that he was director of scheduling for the Committee to Reelect the President. Held the position since May 1, 1971 prior to that time he worked as a staff assistant at the White House under Herbert G. Kline [sic], Director of Communications and his immediate supervisor at that time was Mr. Jeb Magruder, Deputy Director of Communications his job was to schedule and coordinate the work of the circuit candidates for the president and to develop budgets, regarding employees of the staff and there [sic] salaries and to take care of the celebrities [sic] at particular functions. He stated that in either case that he directly handled funds. He stated that during his job of scheduling of at [sic] rallies and appearances of celebrities [sic] aware of possible demonstrations and demonstrators that would distract the message of the President. He was concerned for the safety of the celebraty [sic] and other prominent members of the either state government or federal government. He was also concerned that the film coverage would princibly [sic] cover the demonstrators. Among the names mentioned by Porter as potential demonstrators were Jerry Rubin and Abby [sic] Hoffman. He said he would need funds to obtain intelligence concerning potential appearance of demonstrators for the p[ro]tection for curcuit [sic] candidates. He discussed this problem with his superior Magruder at one point when he was asked how much he would need to gain such intelligence he answered roughly One Hundred Thousand dollars. This figure was based on ten individuals working undercover from Jan - Nov., 1972. Approximately \$1,000 per person. Magruder suggested that a employee of the Committee, Mr. Liddy might be able to handle the job. In a meeting sometime in the end of January 72 Magruder met with Porter and Liddy and Magruder told Porter that Liddy would handle the responsibility of gaining the intelligence. The arrangement for the funds was explained by Mr. Magruder in the following way. That Porter would advise Mr. Sloan the amount of money he needed and that he would obtain this money from Sloan in Sloan's office which would be in the form of cash in \$100 dollar [sic] bills, that Liddy would then come to Porters [sic] office and count the money and furnish Porter a receipt. Porter would learn of the amount he needed to ask for from Sloan from Liddy. Porter stated that he couldn't understand why Magruder wanted him to serve as a conduit of the funds and that he destroyed [sic] the receipts which had been signed by Liddy. His

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explanation was he didn't see any reason to keep them. What Porter stated that each time he received the money he was alone, it was placed in an envelope and that on one occasion he noticed that the envelope bore Sloans [sic] name and address of 1701 Pennsylvania Ave., and it did not name the Committee. He was not sure whether the other envelopes were equally so identified. Between mid to late January 1972 and April 1, 1972 Liddy made about eight to ten requests for money. Usually the amounts were between one to five thousand dollars. Porter indicated that he gave Liddy during this time roughly \$35,000 dollars [sic]. None of the money furnished to Liddy was ever returned Liddy to Porter, during this time Porter followed the procedure of notifying Sloan, obtained the money from Sloan and then personally giving the money to Liddy. In every case the money consisted of One Hundred dollar bills. Porter stated that Liddy furnished three pieces of information in turn for funds received.

Prior to March 3, 1972 a rally in New Hampshire, Liddy stated that flyers were being circulated supporting anti-war demonstrations against the rally. Liddy estimated that some two hundred demonstrators would be presented.

Prior to March 9, 1972 rally at Miami Liddy advised that there would be a right-wing demonstration at the rally on behalf of supporters [sic] of the ASBROOK [sic] candidacy. Governor Regan [sic] was to speak at this rally. Liddy also advised Porter that the convention were held in San Diego, California there might be as many as two hundred [sic] fifty thousand demonstrators present. Subsequent to April 1, 1972 Liddy made only one request for funds. This was prior to May 10 and Liddy requested Fifty three hundred dollars to cover demonstrations scheduled at the Capitol around May 10. Porter obtained the funds from Sloan, gave it to Liddy, and Liddy returned two thousands [sic] dollars to Porter. Porter had stated that he had decided no supervisory role over Liddy gaining of intelligence because he did not consider it to be his job. He felt it was the job of Magruder because Liddy was Magruder's [sic] employee. Porter stated he never heard the name of Howard Hunt prior to the newspaper stories. And that he was not familiar with anyone using the name of Edward Hamilton. He also stated that prior to employment of the committee he had never heard of his name and knew nothing about him. This was also true of Mr. McCord. He stated that he was unaware of Liddy's [sic] use of McCord for gathering intelligence. Porter said he asked or wanted to no [sic] the method Liddy used or intended to use to gain intelligence. This was because he felt it might be illegal but because this was not his responsibility [sic]. He said that Liddy never furnished him with any memorandum or vouchers or expenditures records or receipts for the money received.

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Mr. Porter was again interviewed on March 15, 1973 by special agents Angelo J. Lano. Porter was interviewed in his new capacity of Executive Director of the Inagural [sic] Committee, 2nd & T Sts. S.W. The purpose of the interview was to obtain Porters [sic] knowledge of a particular publication "WHY A LIBERAL SHOULD VOTE FOR MCGOVERN" and that the interview was requested by the criminal division of the Department of Justice. Porter claimed that he could not recall positively about the fact that he recalled conversations concerning certain unknown persons at the committee to reelect the President. Another group named "Peace and Freedom Party" he did not recall having funded that party or any money used for pamphlets nor had he seen any of the pamphlets fitting the description of the one mentioned. He acknowledged disbursing from his post in the Committee with the approval of Mr. Magruder but his [sic] said his total expenditures during the period of ltime [sic] was about \$52,000. Only \$4,400 went to an individual with regard to something published. This individual was Mr. Phil Joanou, who requested the monies to print an ad relaying the support of the President's decision on the mining of Hyphon [sic] Harbor. Magruder approved the expenditure. and [sic] he obtained the money from Mr. Sloan.

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00730120733

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

HERBERT L. PORTER,

Defendant.

Criminal No. 74-32

Violation of 18 U.S.C. § 1001
(False Statements to Government
Agency)

FILED

JAMES F. GAVIN, CLERK

INFORMATION

The United States of America, by its Attorney,
the Special Prosecutor, Watergate Special Prosecution
Force, charges:

On or about July 19, 1972, in the District of
Columbia, HERBERT L. PORTER, the DEFENDANT, did knowingly
and willfully make false, fictitious and fraudulent state-
ments and representations to agents of the Federal Bureau
of Investigation, United States Department of Justice,
which Department was then investigating a matter within
its jurisdiction.

(In violation of Title 18, United States Code,
Section 1001)


LEON JAWORSKI
SPECIAL PROSECUTOR

17. On July 20, 1972 Magruder falsely stated to FBI agents that he had authorized Sloan to permit Liddy to spend up to \$250,000 to gather intelligence information for use in attempting to prevent disruption at the convention and at speeches by surrogate celebrities and political figures. Magruder has testified that he had volunteered at one point "to take the heat" but that the decision was that if it got to him it would go higher.

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17.2	Jeb Magruder, SSC report of FBI 302 interviews, July 20, 1972 and March 14, 1973 (received from SSC).....	248

Mr. DASH. What was that story, Mr. Magruder, that you finally came up with?

Mr. MAGRUDER. What we did was we simply took factual activity that we had asked Mr. Liddy to do and we exaggerated to a great extent the amount of money spent on those activities to the tune of the \$230,000.

I asked Mr. Porter to, would he be willing to work with us on this coverup story and, as he has testified, he indicated that he did.

So he took care of, in effect, \$100,000 and I took care of, in effect, \$150,000 by indicating that Mr. Liddy had legal projects for us in the intelligence field, and we worked over this story with Mr. Mitchell, Mr. Dean, Mr. LaRue, and Mr. Mardian, although Mr. Mardian has participated to a much lesser extent with me than the others did. My primary contacts on the story were Mr. Dean and Mr. Mitchell.

Mr. DASH. All of these persons that you have named—you finally did arrive at the story and they knew in fact what actually had occurred?

Mr. MAGRUDER. Yes; they did.

Mr. DASH. Could you tell us why the story required that the break-in involvement be cut off at Mr. Liddy and not at you?

Mr. MAGRUDER. Well, there was some discussion about me and I volunteered at one point that maybe I was the guy who ought to take the heat, because it was going to get to me, and we knew that. And I think it was, there were some takers on that, but basically, the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would go higher. Whereas Mr. Liddy, because of his past background, it was felt that that would be believable that Mr. Liddy was truly the one who did originate it. And, of course, it was true, I think, that Mr. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

We felt that was more believable than somebody like myself who did not have any background in this area authorizing these kinds of sums of money and authorizing this type of program when it was known full well throughout the committee and White House that I had no such authority.

Mr. DASH. Now, did you tell this story that was developed to Mr. Parkinson and Mr. O'Brien, who were representing the committee?

Mr. MAGRUDER. After July 4, Mr. Mardian brought Mr. Parkinson into my office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which—you know, at that time, we were dealing in a number of stories, and he said, "No; I want the true story."

I then for 2 hours, I think, told Mr. Parkinson the true story.

Mr. DASH. But later, you then told Mr. O'Brien and Mr. Parkinson the story that had been developed and agreed to by the other parties you mentioned?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. When were you first called before the grand jury, Mr. Magruder?

Mr. MAGRUDER. My first grand jury appearance was July 5, it was just an organizational appearance, in effect, who was who in the committee.

The second appearance was on August 16, which was—

Mr. DASH. Before that appearance, were you interviewed by the Federal Bureau of Investigation?

Mr. MAGRUDER. Yes; immediately after my grand jury appearance, I was interviewed by the Federal Bureau, or soon thereafter.

Mr. DASH. At the time you were interviewed by the FBI, had the story been developed?

Mr. MAGRUDER. We still had not come up with the money amount, but other than that, we basically had developed the guidelines to the story, yes.

Mr. DASH. When you were interviewed by the FBI, did you tell this false story to the FBI?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. You say you were next brought before the grand jury when?

Mr. MAGRUDER. In August, August 18.

Mr. DASH. When you testified to the grand jury that time, did you testify to the false story?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. What role did Mr. Dean play in preparing you for your second grand jury appearance?

Mr. MAGRUDER. On the day before the grand jury appearance, I was aware that I was a target of the grand jury at that time. So, I was briefed by our lawyers and Mr. Mardian. Also, I was interrogated for approximately 2 hours by Mr. Dean and approximately 1/2 hour in a general way by Mr. Mitchell.

Mr. DASH. Now, after you appeared before the grand jury for the second time, did Mr. Dean give you any report?

Mr. MAGRUDER. Yes; the day after Mr. Dean indicated that I would not be indicted.

Mr. DASH. Did he tell you how he knew that?

Mr. MAGRUDER. No; he did not.

Mr. DASH. By the way, were you not aware of Mr. Dean's participation, you were aware, were you not, that Mr. Dean worked in the White House and did report to Mr. Ehrlichman and Mr. Haldeman?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. And I think you yourself, when you testified before us in executive session, indicated that you were familiar with the roles that you played at that time and that Dean played?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. What was your understanding, therefore, when Mr. Dean was working with you prior to your appearance before the second grand jury? Was he doing this on his own, or was he doing it as a representative for other persons in the White House?

Mr. MAGRUDER. Well, again, it is an assumption on my part. I think I should be very careful. He was in a staff role and did report to the gentleman you mentioned. Consequently, you would assume, and I did not know and at no time did I know, that he was directly reporting

JEB MAGRUDER

Excerpts from FBI interviews relevant to campaign espionage and sabotage.

Date of interview: 7/20/72

Magruder was interviewed by special agents Michael L. Hanigan, William T. Hajeski and Paul P. Magallanes. Kenneth Parkinson represented Magruder. Material in quotations is directly from interview; other material is paraphrased.

"Magruder has on only one occasion made a cash disbursement since his employment by the CRP. This disbursement was in the amount of \$20,000 and went to ~~Rider~~ Columnist Victor Lasky. Lasky had requested the funds in cash for certain political work which he had prepared for the White House, but which the White House had decided not to have published. Payment was directed by the White House and personally made by Magruder in late February or early March, 1972. The funds for this cash disbursement were obtained from Hugh W. Sloan, Jr., Treasurer FCTRP."

"In late January or early February, Magruder assigned Liddy the responsibility of gathering intelligence concerning two specific problems which the CRP could foresee. The first of these problems concerned the appearance of surrogate candidates or celebrities at various rallies and other public appearances throughout the nation. Specifically, the CRP felt that it was responsible for insuring that the surrogate candidates and celebrities were not harrassed, and were least aware when demonstrators or dissidents were likely to be present at such rallies and/or attempt to disrupt them. The other security problem which concerned the CRP was possible disruption at the convention site itself."

"Herbert Lloyd Porter, Director of Scheduling, CRP, had previously conversed with Magruder concerning the security problem connected with surrogate candidates and celebrity appearances. Porter had advised Magruder that he (Porter) had estimated the cost of intelligence for the surrogate-celebrity appearances to run approximately \$100,000, and in view of the concern Magruder had re disruption at the convention site itself, Magruder authorized Hugh W. Sloan, Jr. to permit George Gordon Liddy to expend up to \$250,000 to gather intelligence re both concerns."

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"Magruder recalled that he did hold a meeting in his office in mid or late January, 1972, with Herbert Lloyd Porter and George Gordon Liddy. At this meeting, he advised Porter that George Gordon Liddy would gather intelligence re the surrogate-celebrity appearances. He further explained that Liddy would periodically come to Porter, request the funds needed and that Porter was to then notify Hugh W. Sloan, Jr., Treasurer, FCTRP, who would furnish the funds in cash to Porter and Porter would then give the funds to Liddy. Magruder advised that he understood that Porter had given Liddy roughly \$35,000 for this purpose."

"Results regarding this surrogate-celebrity intelligence efforts were furnished to Herbert Lloyd Porter. With regard to the convention site of intelligence problem, Liddy advised Magruder that if the convention were held in San Diego, California, there might be as many as 250,000 demonstrators. And further, that the physical location of the convention hall in San Diego would allow the demonstrators to easily disrupt the convention."

Magruder couldn't remember when he first broached the subject of intelligence gathering to Liddy. CRP was concerned about some bombings that had occurred, they knew that demonstrators had opened a San Diego office, and they read underground and radical articles about disrupting the convention. Magruder said he never mentioned or suggested to Liddy any suspicion or any thought that officials of the Democratic party or Democratic candidates would encourage or finance or direct demonstrations at the convention site or at any public appearances by surrogate candidates. Magruder specifically advised Liddy to conduct his intelligence gathering lawfully.

Magruder indicated that most cash expenditures were made by Porter. As an example, "Magruder made reference to the pamphlet which the CRP had published entitled 'Why Liberals Should Vote for Muskie.' Apparently this publication contained references unfavorable to George McGovern. The pamphlet was published during the New Hampshire primaries and surreptitiously delivered to Muskie headquarters in New Hampshire. Thereafter, a phone call was made to the McGovern headquarters in New Hampshire and the caller suggested the McGovern people should see what the Muskie people were preparing to distribute. The purpose of this publication was to create friction between the Muskie people and the McGovern people." Magruder indicated that this undertaking cost approximately \$30,000. He denied that any money was used to finance demonstrations at the appearances of any democratic candidates. He said that the New Hampshire mailing was the only

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harrassment effort.

"Magruder explained that the \$250,000 authorization which he had made for intelligence gathering was justified since the Committee to Re-elect the President was an independent, private group, which did not have access to government intelligence reports. And though he could not account for how George Gordon Liddy had spent any of the funds, the information which Liddy had furnished regarding this San Diego convention site was (in his opinion) sufficient to justify the expenditure. He stated that this information had been the primary basis for which the convention site had been changed from San Diego, California to Miami Beach, Florida."

Date of interview: 3/14/73

Magruder was interviewed special agent Angelo J. Lano. Magruder emphasized that he did not control overall disbursements for the Committee, but only for those activities he personally directed. The authorization for the disbursement to Victor Lasky came from the White House. Sloan and LaRue were present when Magruder gave the money to Lasky.

In addition to Sloan's cash fund, Magruder had a cash fund (obtained from Sloan), which Magruder kept in Porter's safe. From his cash fund Magruder authorized Porter to pay \$300.00 to a group known as "Peace Freedom," which published a pamphlet entitled "Why Liberals Should Vote for McGovern." Magruder indicated that the \$30,000 in cash be expended covered the entire campaign, not just "a short time span as previously inferred." This is an apparent, although confusing, reference to Magruder's statement in his 7/20/72 interview that \$30,000 was spent on the New Hampshire mailing. The 3/14/73 interview did not follow up on other projects covered by the \$30,000.

In early December 1971, Dean and Magruder discussed hiring Liddy as counsel for CRP. Magruder may have mentioned to Dean the need to gather intelligence about potentially disruptive groups. To Magruder intelligence meant "information as to who, what, when and where people may plan or in fact attempt to engage in any type of disruption." On December 29, 1971, Magruder, Porter and Liddy met in Magruder's office. "At this time, Magruder brought up the subject of 'intelligence gathering' and explained to Liddy what he wanted. Liddy said he could handle it. Porter was then given the assignment of determining how much money and manpower would be needed. Porter arrived at a figure of \$100,000. However, in view of the possibility of disruption at the convention site, Magruder authorized the

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expenditure \$250,000 to Liddy. He recalled during this discussion that Liddy told him, 'in this type of work, you don't have to know the identity of the personnel.' (Magruder took that to mean that Liddy would be hiring people and their identities would be unknown to Magruder and the Committee.)"

18. On July 19, 1972 Herbert Kalmbach met with Dean and LaRue in Dean's EOB office. At that meeting, LaRue, in Dean's presence, delivered cash to Kalmbach for use in meeting the commitments to the Watergate defendants. That evening Kalmbach delivered this cash to Ulasewicz in a hotel room in New York City. The amount of this cash is uncertain, being reported as \$20,000 by LaRue and as \$40,000 by Kalmbach. On or about July 20, 1972 Kalmbach was asked by either Dean or LaRue to raise from outside contributors additional funds for the Watergate defendants. On July 27, 1972 Kalmbach received another \$30,000 from LaRue in LaRue's CRP office. These payments to Kalmbach were made by LaRue out of \$81,000 in cash he had received from Stans and Sloan early in July, when Stans decided that it would be unwise to retain such a cash sum in FCRP custody.

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The treasurer, not being sure, discussed it with the general counsel for the committee and the general counsel suggested that he take the check and convert it into cash. The treasurer gave him the check.

Now, again, I can report what the treasurer has said, that he did not get the proceeds of the check back until some time in May. He received them in full and they were deposited in a bank account on May 25.

Now, as to those two transactions and several others in a similar category, we treated that as cash on hand on April 7 and reported it in the report of the media Committee To Re-Elect the President, in the amount of \$350,000, and that exact amount of \$350,000 was deposited in that committee's bank account on May 25. We felt that we had complied with every requirement of the law as to the handling and reporting of that money; we had accounted for it fully.

The General Accounting Office subsequently cited our committee for a possible violation of the law in failing to report the \$25,000. But the Department of Justice, in a letter some months later, concluded that there was no violation of the law in the handling of that transaction.

Mr. EDMISTEN. Mr. Stans, when was the first time that you learned that these checks had cleared through a bank account of Bernard Barker?

Mr. STANS. It was well after the Watergate event of June 17.

Mr. EDMISTEN. Now, shortly after that, did you have any discussions with Mr. John Mitchell or anyone at the White House concerning any of these checks during the week immediately following?

Mr. STANS. I don't recall any specific conversation with John Mitchell, but I do recall a conversation with Fred LaRue and subsequently with Robert Mardian.

Mr. EDMISTEN. What did you talk about?

Mr. STANS. As I recall it, it was the morning of the 23d of June, which was 6 days after the Watergate affair. I received a phone call from Fred LaRue, saying, "Do you know Kenneth Dahlberg?"

And I said, "I certainly do."

He said, "Well, his contribution ended up in a bank account of one of the fellows who was arrested."

I said, "Dahlberg didn't make a contribution."

He said, "Well, it is his check."

So he came down and we discussed it and concluded that, in some manner or other, Dahlberg's check must have reached the bank account of Bernard Barker.

We called Dahlberg and discussed it with him, got him to Washington on that same day, met with him, and he met with LaRue and I think with Mardian, and got all the facts of the transaction in hand. It was clear that neither Dahlberg nor I nor Hugh Sloan had anything to do with the checks, that check or the Mexican checks, entering the Barker bank account. They could only have gotten there through the hands of our general counsel, Gordon Liddy, who had taken them into his custody.

Mr. EDMISTEN. Mr. Stans, I am going to skip along, I don't want to encroach on the committee. At one time did you approve or consent to giving Mr. Fred LaRue \$80,000?

Mr. STANS. Yes, I did. Would you like to know the background of that?

Mr. EDMISTEN. Yes. When was that?

Mr. STANS. The same day of June 23, Mr. Sloan had balanced out his cash account, something which I had asked him to do as early as April 10 but which he couldn't do because he was waiting for the return of the proceeds of the various checks we were discussing. He showed a balance of \$81,000 of cash on hand and expressed some concern about it because he was going on vacation and under the tense situation that was building up he didn't want to hold the cash in his custody. We discussed it and concluded that the funds were of a nature which did not classify them as funds of the current committees, that they were more properly funds of earlier committees, that they were not part of what we had to account for in an audit by the General Accounting Office, and that we should get legal advice.

At that time it was understood within the committee that Robert Mardian had been brought to Washington to work on legal matters that were current at the time, and I went to him for advice. His advice, after he learned the description of the money, was to get the money out of the office and out of the campaign and he suggested that I give it to Fred LaRue. Fred LaRue was the right-hand man of John Mitchell, assistant to Mitchell as campaign director. On that advice I gave the money, my half of the money to LaRue and Sloan later gave his half of the money to LaRue. I neglected to say that when Sloan expressed concern about having that much money in his custody, I agreed to divide it with him so that there would only be about \$40,000 in each parcel, and I took one and put it in my desk and he took one parcel and took it home. I gave mine to LaRue rather promptly, at the first opportunity. Sloan went on vacation to Bermuda for about 10 days, and gave his money to LaRue upon his return.

Now, there is some uncertainty as to whether that money passed through Mardian's hands in each case. I can't recall whether I gave the \$40,000 that I had directly to LaRue or gave it to Mardian to give to LaRue. Sloan did give his \$40,000 to Mardian and Mardian gave it to LaRue.

Mr. EDMISTEN. Do you know what happened to that money in the end?

Mr. STANS. I do not know specifically what happened to that money. Subsequently I received some funds for several purposes from Fred LaRue. Whether it was part of the same money or other money, I have no way of knowing, and only he could tell.

Mr. EDMISTEN. Now, Mr. Stans, in late June or early July did you receive a call from Mr. Herbert Kalmbach requesting money from you?

Mr. STANS. On the 29th of June I received an urgent call from Mr. Kalmbach. He said he was in Washington at the Statler-Hilton Hotel, that it was extremely vital that he see me right away, and he wanted me to come over there, and I did. I dropped everything and went over there to see him. He said, "I am here on a special mission on a White House project and I need all the cash I can get."

I said, "I don't have any cash to give to you. Will you take a check?"

He said, "No, I can't take a check, it must be in cash, and this has nothing to do with the campaign. But I am asking for it on high authority."

Mr. EDMISTEN. What high authority did he say?

Mr. DASH. Was that on June 25?

Mr. SLOAN. Yes, sir.

Mr. DASH. When did you return?

Mr. SLOAN. It would be on July 3.

Mr. DASH. On or about July 4, did there come a time when you did something with the \$40,000 that you had taken home with you?

Mr. SLOAN. Yes, sir. I was at home and got a call from Fred LaRue, who indicated to me that he was aware that I had this cash in my possession and would I bring it in to him, which I did, and returned home.

Mr. DASH. Did you learn from Mr. Stans whether he did likewise?

Mr. SLOAN. Yes, sir. I believe—I am not sure what his travel schedule was, but I believe the first opportunity, probably the next day, I indicated to Mr. Stans that I had had this call. I assumed Mr. LaRue must have talked to Mr. Stans to know that I had it. I asked Mr. Stans was this in fact what he wanted me to do with it? He said: "Yes, that is precisely right, that is what I did with mine."

Mr. DASH. On the next day, July 5, did Mr. Magruder get in touch with you again?

Mr. SLOAN. Yes sir.

Mr. DASH. Could you tell us briefly what he wanted to talk to you about and the circumstances of that conversation?

Mr. SLOAN. If I can go back for a minute to the earlier Mardian meeting before I went to Bermuda, because it is pertinent to this particular item. I on that occasion had indicated to Mr. Mardian that Mr. Magruder had made this suggestion to me that it might be necessary to perjure myself, and I had indicated to Mr. Mardian at that point in time—I understood Mr. Mardian essentially to have taken over the investigation from Mr. LaRue at this point. I said I just did not want to have any further dealings with Mr. Magruder if things are going to be done that way.

By way of background, during the period of time I was in Bermuda, Mr. Mitchell's resignation was announced, Mr. Liddy's resignation had been announced. My reaction to that announcement, particularly Mr. Mitchell's, was that, well, somebody was taking action and was probably cleaning out the committee and starting over, as should be done.

I had a call from Mr. Magruder during the day, on the 5th of July. He said he wanted to get together with me, would I like to do it then, would I like to have a drink with him after work. It was a very busy day, since I had just gotten back. I said, well, let's do it after work.

We went to the Black Horse Tavern, I believe. He had dinner and I just had a cocktail because I was expected at home.

He said, you know, we have to resolve this Liddy matter. He said, what we should do is you and I should go down to see the U.S. attorney, Mr. Harold Titus. He said, I will tell Mr. Titus that I authorized the payments to Mr. Liddy and you merely have to confirm the fact that you did make those distributions under my instructions.

Then he said, but we have to agree on a figure. This time, the figure was even less than the time before; it was \$40,000 or \$45,000.

No resolution was made on that occasion.

Mr. DASH. What did you say to him?

Mr. SLOAN. I was a little flabbergasted, I guess, and I just told him I would think about it and let him know the next morning.

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Mr. DASH. Did he mention his name?

Mr. LaRUE. No; he did not mention his name but, as I recall, during this meeting determined that we would use a code name, Mr. Rivers, for this person.

Mr. DASH. I think you have since learned that Mr. Tony Ulasewicz was Mr. Rivers?

Mr. LaRUE. That is my understanding, yes, sir. We also discussed how we would or how Mr. Rivers could establish contact with the defendants, and it was decided that probably the best way would be for him to try to contact some of the attorneys who were working for the defendants at this time.

Mr. DASH. Did you arrange any kind of a relationship that you and Mr. Kalmbach would have if you wanted to call each other about this?

Mr. LaRUE. Yes, sir.

Mr. DASH. Any kind of a code arrangement?

Mr. LaRUE. Yes, sir.

Mr. DASH. Will you tell us about that?

Mr. LaRUE. Mr. Kalmbach indicated that this was, this would be necessary, that this would be a very secret operation, and that we should conduct our business by pay telephones, and that we would use the code name Bradford.

Mr. DASH. Were you Mr. Bradford?

Mr. LaRUE. That really wasn't, I think, determined, at least not to my knowledge and consequently we both ended up with the code name Bradford.

Mr. DASH. In other words, when you called Mr. Kalmbach you asked for Mr. Bradford and if he asked for you, he would call for Mr. Bradford and you both would know what you were talking about?

Mr. LaRUE. That is correct.

Mr. DASH. Did you learn of what problems Mr. Rivers was having with the lawyers?

Mr. LaRUE. Yes; that subsequent, a subsequent telephone conversation I had with Mr. Bradford—Kalmbach—

Mr. DASH. How often did you really use that name so as to fall into the habit of calling Mr. Kalmbach, Bradford?

Mr. LaRUE. He indicated that Mr. Rivers was having considerable difficulty establishing a contact through the lawyers, and as I recall at that time we had a discussion of this problem and decided that Mr. Rivers had tried to effect a contact with Mrs. Hunt.

Mr. DASH. Now, after your first meeting with Mr. Kalmbach and the arrangements were made, did you again meet with Mr. Kalmbach in Mr. Dean's office sometime in the middle of July 1972?

Mr. LaRUE. Yes, sir.

Mr. DASH. Mr. Dean was present at that time?

Mr. LaRUE. That is correct.

Mr. DASH. Could you tell us what was said at that meeting, what the purpose of the meeting was?

Mr. LaRUE. My recollection of that meeting, Mr. Dash, is Mr. Kalmbach had secured from Mr. Rivers a—some specific amount of money that would be necessary or would be required to meet the commitments, there were specific amounts for attorney fees at this time and, as I recall specific amounts of money that would be required for maintenance of their families.

Mr. DASH. Did you provide any special instructions concerning how much money was to be given to which person?

Mr. LaRUE. No, sir, Mr. Dash. I would have had no way to have any knowledge of this, and I think Mr. Kalmbach has testified that I, you know, that I furnished this information, I think Mr. Kalmbach is just mistaken in this. I had no way to have this information. I have never discussed, never talked to any of the defendants and don't know any of them other than Liddy.

Mr. DASH. Did you give Mr. Kalmbach any money at that meeting?

Mr. LaRUE. Yes, sir; as I recall, I think at that meeting, I gave—as I recall I gave Mr. Kalmbach approximately \$20,000.

Mr. DASH. Approximately \$20,000. And what was the source of that money, Mr. LaRue?

Mr. LaRUE. Around the first of July, the period of July 1 through July 4, 5, or 6, I received \$81,000 in two different, from two different sources. I received approximately \$41,000 from Mr. Sloan, who was the treasurer for the finance committee. I received approximately \$40,000 from Mr. Mardian who gave me this money, was passing this money to me from Mr. Stans.

Mr. DASH. Was this all in cash, Mr. LaRue?

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you recall the denominations of the bills?

Mr. LaRUE. I can't say they were all \$100 bills but predominantly \$100 bills; yes, sir.

Mr. DASH. What role did you have after this particular meeting with Mr. Dean and Mr. Kalmbach. Did you assume any particular role while Mr. Kalmbach was carrying on this particular mission?

Mr. LaRUE. Well, yes, sir, I had numerous telephone conversations with Mr. Kalmbach. I would say my role would be a concurrence with Mr. Dean and with Mr. Kalmbach on the deliveries of money.

Mr. DASH. Would it be fair to say you were sort of a conduit at this point?

Mr. LaRUE. During this period of time, Mr. Dash, I had sort of, you know, numerous conversations on this subject with Mr. Dean, with Mr. Kalmbach, reporting conversations from Kalmbach to Dean, reporting conversations I had with Dean to Kalmbach.

Mr. DASH. Now, did you report to Mr. Mitchell on your meeting with Mr. Kalmbach and Dean?

Mr. LaRUE. Not to my recollection; no, sir.

Mr. DASH. To anyone else?

Mr. LaRUE. Not to my recollection; no, sir.

Mr. DASH. Did you meet with Mr. O'Brien during the summer of 1972?

Mr. LaRUE. Yes, sir; I met with Mr. O'Brien many times.

Mr. DASH. Could you tell us about how often and what was discussed at this time at these meetings?

Mr. LaRUE. I met with you know, Mr. O'Brien. I wouldn't say on a daily basis, but Mr. O'Brien had been retained by the committee as a counsel representing us in civil litigation, and we had just numerous conversations, Mr. Dash.

Mr. DASH. Did any of those conversations have to do with the needs of the defendants in the criminal cases?

Mr. DASH. In that manner?

Mr. KALMBACH. That is correct. That was the end-all. There were several telephone calls, but the final wrap-up on it was that he refused to receive the funds.

Mr. DASH. Who was contacted next, which lawyer?

Mr. KALMBACH. I think Mr. O'Brien was contacted and again with the same result.

Mr. DASH. He refused to receive the funds?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And then who next was approached?

Mr. KALMBACH. I think then it was Mr. Bittman, and Mr. Bittman—I think this may have been when the name Rivers was used, Mr. Dash, but my recollection would be that Mr. Bittman received \$25,000, probably sometime during the second week of July 1972.

Mr. DASH. Did you follow any usual procedure that Mr. Ulasewicz would make the contact and pay the money, he would call you and then you would call Mr. Dean and tell him it had been accomplished?

Mr. KALMBACH. Or Mr. LaRue.

Mr. DASH. Or Mr. LaRue. Were all these phone calls booth to booth?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Even when you spoke to Mr. Dean?

Mr. KALMBACH. Yes; that is correct.

Mr. DASH. Or Mr. LaRue?

Mr. KALMBACH. That is correct.

Mr. DASH. What other lawyers were supposed to receive money, to your recollection, Mr. Kalmbach?

Mr. KALMBACH. Well, after the disbursement to Mr. Bittman, I think there was—most of the remaining funds went to Mrs. Hunt who, in fact, was the person who did the distributing thereafter and she distributed to these other attorneys.

Mr. DASH. Mrs. Hunt?

Mr. KALMBACH. Yes.

Mr. DASH. Now, when you next—when did you next return to Washington, after this first series of meetings, where you received this money and met with Mr. Ulasewicz, when did you next return to Washington?

Mr. KALMBACH. Well, the next time that I was back in Washington involved in this assignment, Mr. Dash, was, I think it was, on July 19.

Mr. DASH. What happened at that time? What brought you back?

Mr. KALMBACH. Well, at that time, I think I was asked to come back, I think by either Mr. Dean or Mr. LaRue, and to meet with Mr. Dean and Mr. LaRue in Mr. Dean's office in the Executive Office Building.

Mr. DASH. Did you receive any money from Mr. LaRue at that time?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. How much was that?

Mr. KALMBACH. Oh, some \$40,000 was received from Mr. LaRue at that time.

Mr. DASH. Where did you receive it?

Mr. KALMBACH. In Mr. Dean's office.

Mr. DASH. Did you receive any additional instructions at that time?

Mr. KALMBACH. I may have, Mr. Dash. I am not certain as to that.

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Mr. DASH. What did you do with this money, this \$40,000, was this in cash by the way?

Mr. KALMBACH. Yes, it was in cash.

Mr. DASH. Do you know the denominations of cash?

Mr. KALMBACH. I think it was primarily \$100 bills.

Mr. DASH. What did you do with this new supply of money?

Mr. KALMBACH. I took these funds and I think I went to New York late that afternoon, stayed at the Regency Hotel, and gave the funds to Mr. Ulasewicz, who came to my room in the Regency, probably around 8:30 or 9 that evening.

Mr. DASH. Now, you returned the following week, did you not, Mr. Kalmbach, to Washington?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, why did you return, when did you return, and who did you see?

Mr. KALMBACH. About this time, Mr. Dash, I was being urged—you will recall from my testimony that the funds that were given to me by Mr. LaRue were not solicited by me, they were simply given to me to be given to Mr. Ulasewicz. About this time, I was asked by either Mr. Dean or Mr. LaRue to raise additional funds. I began to have a degree of concern about this assignment.

Mr. DASH. What began to cause you to have that degree of concern? Was it the nature of the covert operations, was it the fact that you were paying this money to defendants? Could you give us a little description or basis or background of that concern?

Mr. KALMBACH. I think the primary reason for my concern was the secrecy and the clandestine, covert nature of this activity.

Mr. DASH. Sort of like a 007 operation.

Mr. KALMBACH. Like a James Bond scenario.

Mr. DASH. And you were part of that whole scenario?

Mr. KALMBACH. Yes, sir.

Mr. DASH. The President's personal attorney?

Mr. KALMBACH. And it was very distasteful to me and it had created this degree of concern. The concern was sufficient to make me certain in my own mind that I wanted to talk to John Ehrlichman.

Mr. DASH. Why?

Mr. KALMBACH. One, I wanted John Ehrlichman to confirm that John Dean did in fact have the authority to direct me to undertake this assignment.

Second, I wanted him to assure me as to the propriety of this assignment. In any event, I requested a meeting with John Ehrlichman. My records indicate that I met with him in his office at 3:30 on July 26.

Mr. DASH. Could you describe that meeting for us—

Mr. KALMBACH. Yes, sir.

Mr. DASH [continuing]. What you said to him and what he said to you?

Mr. KALMBACH. Yes, sir. As I have stated, the reason for the meeting was to get the assurance as to Mr. Dean's authority and as to the propriety.

Mr. DASH. Also, at this time, you were being asked to go out and to raise some additional funds on your own, were you not, Mr. Kalmbach?

Mr. KALMBACH. Yes, sir; and this would be the first time, Mr. Dash, that I would be going to an outside contributor. I know that the secrecy

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Mr. KALMBACH. Mr. Dash, I had no background knowledge at all. This is just the impression that I received and I thought that frankly, it was, again, a very humane thing.

Mr. DASH. So in a real sense, you took your so-called moral standard from Mr. Ehrlichman's statement that it was appropriate?

Mr. KALMBACH. Well, Mr. Dash, I think it is more that I had such trust in Mr. Dean and Mr. Ehrlichman that I, if I were advised by them, assured by them, in my mind, there was no possibility that there would be any—

Mr. DASH. Impropropriety?

Mr. KALMBACH [continuing]. Any impropriety; no, sir.

Mr. DASH. Now, at that time when you had been reassured by Mr. Ehrlichman, did you pick up any additional money from Mr. LaRue while you were in Washington?

Mr. KALMBACH. Yes; I recall that I picked up approximately \$30,000 the next day that Mr. LaRue gave to me in his office at 1701 Pennsylvania Avenue.

Mr. DASH. Did you have any additional instructions with regard to that money?

Mr. KALMBACH. I may have, Mr. Dash. I don't recall.

Mr. DASH. What did you do with that money?

Mr. KALMBACH. I called Mr. Ulasewicz, who came down to Washington, and stayed at the Statler-Hilton, and I gave him those funds in his room at the Statler-Hilton.

Mr. DASH. All right. Now, you then had returned to California, did you not?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Did you raise that additional amount of money that you were asked to raise?

Mr. KALMBACH. Yes, I did. I called Mr. Thomas V. Jones sometime between, I think it was August 1 and August 5, I am not certain as to the date, and indicated that I would like to come by and see him. He had earlier indicated to me that he would have funds for me if there was any special need.

Mr. DASH. Did he—who, by the way since you have named him, who is Mr. Jones?

Mr. KALMBACH. He is chairman of Northrop Corp., in California.

Mr. DASH. And has he been a political contributor to Mr. Nixon, the President?

Mr. KALMBACH. Yes, sir, he has personally.

Mr. DASH. And when he indicated to you earlier if you needed any help he would provide those funds, was that in the area of contributing to the President's reelection campaign?

Mr. KALMBACH. Yes, sir.

Mr. DASH. All right. Now you called him and told him what?

Mr. KALMBACH. I called him and I think I reminded him on the telephone of his earlier statement to me, and he indicated immediately that he would be glad to see me, and we worked out a time that was mutually convenient. I went to his office, in Century City in West Los Angeles, I think it was in mid-afternoon and met with him there, and we had a 15-minute meeting or thereabouts, and he took from his desk a package, and handed it to me. I put it in my briefcase, and left his office and went back to Newport Beach.

a discussion of the need for support money in exchange for the silence for the men in jail and if the CIA could not do it they would have to find money somewhere else. Mr. LaRue indicated that Mr. Stans had only a small amount of cash. I believe he said \$70,000 or \$80,000, but more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to get the approval of Haldeman and Ehrlichman to use Mr. Herbert Kalmbach to raise the necessary money. Before I departed the meeting I remembered that Mr. Mitchell, in an aside for my ears only, told me that the White House, in particular Ehrlichman, should be very interested and anxious to accommodate the needs of these men. He was referring to activities that they had conducted in the past that related to the White House, such as the Ellsberg break-in.

I conveyed this request to Haldeman and Ehrlichman and they told me to proceed to contact Mr. Kalmbach. I called Mr. Kalmbach on June 28, and told him that Haldeman, Ehrlichman, and Mitchell had requested that he come back to Washington as quickly as possible. He told me he would take the next flight.

I met Mr. Kalmbach at the Mayflower Hotel on June 29. We first met in the coffee shop, but could not find sufficient privacy to talk, so we went to his room. I had always been very open in my dealings with Mr. Kalmbach, and I knew that he had stated, after he completed his fundraising activities prior to April 7, 1972, that he did not wish to engage in any further fundraising activities, so I told him everything I knew about the case at that time, including my concern that it might involve the President himself, but I did not know that for a fact. I also told him that Haldeman, Ehrlichman, and Mitchell felt it was very important that he raise the money. I told him that per Mitchell's instructions he should contact Fred LaRue as to the amounts needed and the timing. I knew that Kalmbach was not happy with this assignment, and he said he was undertaking it only because Mitchell, Haldeman, and Ehrlichman had so requested. I do not know if Mr. Kalmbach discussed this with any of these persons, but given the nature of the request, I did not expect him to take it on my word alone. I had never before given instructions to Kalmbach to raise any money or never passed on any similar instructions to him.

Subsequent to our meeting, Kalmbach informed me he was departing to raise the money, but he wanted Tony Ulasewicz to handle any deliveries because Mr. Ulasewicz was the only man he would trust. He said that he did not have his telephone number and requested that I call Jack Caulfield and request that Mr. Ulasewicz call him in California. I called Caulfield and made the request, but I did not tell Caulfield the reason Kalmbach wanted to have Mr. Ulasewicz call him.

Within a week or so, Kalmbach returned to Washington and requested that I meet him in Lafayette Park, which I did. He said that I could report to Haldeman and Ehrlichman that he had raised the money and, in fact, he said he had it in his briefcase with him, to the best of my recollection, he told me he was en route to meet Mr. Ulasewicz, but wanted me to know the job was done. Following that meeting and several days later, as I recall, he called me and said that he had asked Fred LaRue to come to my office to give him the details of who was to get how much. I recall that such a meeting did occur in my office, but I was on and off the telephone while LaRue and Kalmbach were going over the figures and I have absolutely no recollection of the

details of their discussion. I know that LaRue had the figures on a sheet of paper and Kalmbach wrote them down in his own code on a small piece of paper which he placed in his wallet. I have no further knowledge of how or when or to whom delivery was made. Mr. Kalmbach merely told me later that it had been done and I passed this on to Ehrlichman and Haldeman.

Senator BAKER. Mr. Dean, before you do, it is the wish of the chairman—he had to go to the floor of the Senate to attend other business—that we continue until about 12:30 and then recess for lunch, if that is agreeable to you. I think you might have time to just finish this sequence and then recess for lunch.

Mr. DASH. There is a break on page 97.

Senator BAKER. We will see how far the witness can go until—

Mr. DEAN. The witness only has the first part of his statement.

Senator BAKER. I understand there is another part of about 150 pages or thereabouts. We are anxious for you to go as far as you can, so you have been reading for 2½ hours, almost, so another 10 minutes, I think, and then we will break for lunch.

Mr. DEAN. Fine.

DISCUSSION OF MITCHELL AND MAGRUDER REMAINING AT THE REELECTION COMMITTEE

I would like to return once again to the period of June 21 through June 30 in the matter of Mr. Mitchell and Mr. Magruder remaining at the reelection committee. As I had indicated, I had frequent discussions with Ehrlichman and Haldeman, in which I would report back to them on information they had requested or report information I had received. It was sometime during the last 10 days of June that I recall a meeting in Haldeman's office in which they asked me for my recommendation regarding removing Mitchell and Magruder from the reelection committee. This discussion preceded my contacting Kalmbach. At that time I repeated my knowledge of the meetings which had occurred in Mitchell's office in January and February when Liddy was presenting his proposal. I told them I did not know for a fact that Mitchell had ever approved Liddy's plans, but Magruder had recently inferred to me that Mitchell was aware of the operation. I told them I had never discussed it with Mitchell himself and the only observation I could make was that the Watergate matter appeared to be consuming most of Mitchell's time, which might distract him from the campaign.

With regard to Magruder, I repeated what Liddy had told me regarding Magruder's pushing him into doing the break-in at the Democratic National Committee. I also said that I thought there was a real chance he could be indicted, although Mitchell and Magruder thought that the matter might be stopped at Liddy. Accordingly, I told them I did not think I could make a recommendation regarding Mitchell, but I did recommend that Magruder be removed in a graceful manner that would not unduly jeopardize him. They thanked me, and told me they would take my recommendations under advisement. The next time I heard anything about this subject was when it was publicly announced that Mr. Mitchell was resigning. I was somewhat startled that Magruder was remaining. It was clear that Magruder was the only link back to the White House, and Magruder

19. On or about July 26, 1972 Herbert Kalmbach met with John Ehrlichman in Ehrlichman's office. Kalmbach has testified to the following regarding that meeting: Ehrlichman assured Kalmbach that it was necessary and legally proper for Kalmbach to continue secretly to raise and provide funds for the persons involved in the break-in at the DNC headquarters; Kalmbach asked Ehrlichman to assure him that Dean had authority to direct him in this assignment, and Ehrlichman stated that Dean had that authority, that it was a legally proper project and that Kalmbach was to go forward with it; Kalmbach requested the meeting because he had become concerned whether the secret payments operation he was conducting with Ulasewicz was a legally proper activity, whether Dean had authority to have Kalmbach undertake that assignment, and whether the operation should be continued; and Kalmbach received the desired reassurance from Ehrlichman. Ehrlichman has testified that he did not give assurances to Kalmbach. On April 19, 1973, just prior to Kalmbach's testifying before the Watergate Grand Jury, he and Ehrlichman discussed by telephone their July 26, 1972 conference. Ehrlichman tape recorded that conversation.

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JULY / AUGUST / SEPTEMBER / OCTOBER / NOVEMBER / DECEMBER

19.2 JOHN EHRLICHMAN LOG, JULY 26, 1972

TUESDAY, JULY 25, 1972

8:00 HRH office
8:15 Roosevelt Room
8:45 Cabinet Room - President, Mayors
10:30 President, Property Review Board
10:45 Airlines meeting - Krogh, Cole; Edward E. Carlson,
President, United Airlines; Paul R. Ignatius, Executive
Vice President, Air Transport Association;
William Seawell, Chairman of the Board, Pan Am;
Ralph Skinner, Senior VP for Industry Affairs, Eastern
Airlines; George A. Warde, President, American Airlines;
T. C. Wiser, President, TWA
12:15 Car at west basement
12:30 International Club, Scandinavian Room - Government
Securities and Federal Agencies Committee
2:30 President
3:15 Cong. John Anderson, Dick Cook, Ed Morgan
4:40 Jack Sutherland (U.S. News and World Report)
5:00 Mr. and Mrs. Mike Henry

WEDNESDAY, JULY 26, 1972

8:00 HRH office
8:15 Roosevelt Room
11:00 Press briefing (spending ceiling)
12:00 Car at west basement
12:15 Lunch with Postmaster General E. T. Klassen
2:30 Roosevelt Room - p.r. group
3:30 Herb Kalmbach
5:00 Tennis with Hullin, Harper, Hruska

THURSDAY, JULY 27, 1972

7:30-8:00 TODAY Show - NBC, 4001 Nebraska Avenue
10:00 The Group - HRH, Harlow, Colson, MacGregor, Mitchell
12:30 Courtney Sheldon
3:00 President's press conference (Oval Office)
4:00 Lou Cannon

Mr. DASH. What did you do with this money, this \$40,000, was this in cash by the way?

Mr. KALMBACH. Yes, it was in cash.

Mr. DASH. Do you know the denominations of cash?

Mr. KALMBACH. I think it was primarily \$100 bills.

Mr. DASH. What did you do with this new supply of money?

Mr. KALMBACH. I took these funds and I think I went to New York late that afternoon, stayed at the Regency Hotel, and gave the funds to Mr. Ulasewicz, who came to my room in the Regency, probably around 8:30 or 9 that evening.

Mr. DASH. Now, you returned the following week, did you not, Mr. Kalmbach, to Washington?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, why did you return, when did you return, and who did you see?

Mr. KALMBACH. About this time, Mr. Dash, I was being urged—you will recall from my testimony that the funds that were given to me by Mr. LaRue were not solicited by me, they were simply given to me to be given to Mr. Ulasewicz. About this time, I was asked by either Mr. Dean or Mr. LaRue to raise additional funds. I began to have a degree of concern about this assignment.

Mr. DASH. What began to cause you to have that degree of concern? Was it the nature of the covert operations, was it the fact that you were paying this money to defendants? Could you give us a little description or basis or background of that concern?

Mr. KALMBACH. I think the primary reason for my concern was the secrecy and the clandestine, covert nature of this activity.

Mr. DASH. Sort of like a 007 operation.

Mr. KALMBACH. Like a James Bond scenario.

Mr. DASH. And you were part of that whole scenario?

Mr. KALMBACH. Yes, sir.

Mr. DASH. The President's personal attorney?

Mr. KALMBACH. And it was very distasteful to me and it had created this degree of concern. The concern was sufficient to make me certain in my own mind that I wanted to talk to John Ehrlichman.

Mr. DASH. Why?

Mr. KALMBACH. One, I wanted John Ehrlichman to confirm that John Dean did in fact have the authority to direct me to undertake this assignment.

Second, I wanted him to assure me as to the propriety of this assignment. In any event, I requested a meeting with John Ehrlichman. My records indicate that I met with him in his office at 3:30 on July 26.

Mr. DASH. Could you describe that meeting for us—

Mr. KALMBACH. Yes, sir.

Mr. DASH [continuing]. What you said to him and what he said to you?

Mr. KALMBACH. Yes, sir. As I have stated, the reason for the meeting was to get the assurance as to Mr. Dean's authority and as to the propriety.

Mr. DASH. Also, at this time, you were being asked to go out and to raise some additional funds on your own, were you not, Mr. Kalmbach?

Mr. KALMBACH. Yes, sir; and this would be the first time. Mr. Dash, that I would be going to an outside contributor. I know that the secrecy

involved in this was, as I say, very distasteful. It was probably the primary item of concern, feeding this concern that I had.

Other factors would include the fact that, oh, Mr. Haldeman and Mr. Ehrlichman, back around April 7, had indicated to me that I had been involved in this fundraising activity for such a long period that—

Senator ERVIN. I think the committee had better recess and go to vote. There is a vote on in the Senate.

[Recess.]

Mr. DASH. Mr. Kalmbach, we were just at the point where you had come into Washington on the 26th to see Mr. Ehrlichman because, as you testified, you had developed a real concern based on the secrecy of the activity of working with Mr. Ulasewicz and the delivery of money and the fact that you were now being asked to go out and raise new funds and you wanted to see Mr. Ehrlichman in order to find out, one, whether or not Mr. Dean had the authority to ask you to do this, and, I think, two, whether or not it was proper. Could you then take it on from there, Mr. Kalmbach?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Again, I ask you what did you say to Mr. Ehrlichman and what did he say to you?

Mr. KALMBACH. When I first went into that meeting with Mr. Ehrlichman, I told him, you are familiar with this assignment? He said, "Yes, I am."

Mr. DASH. Would you say that again? What did you ask him?

Mr. KALMBACH. I said, "You are familiar with this assignment that I had received from John Dean?" He said, "Yes, I am."

Mr. DASH. By that assignment, you meant the payment of the money?

Mr. KALMBACH. That is correct.

Mr. DASH. You were sure that he understood what you were talking about?

Mr. KALMBACH. Absolutely. And I went through it as far as the secrecy and how this secrecy was bothering me, indicating to him that this is something that was new and foreign to me. I wanted him to—told him that the press was giving me concern, the whole secrecy thing—the press, this, and that.

Mr. DASH. What do you mean, the press?

Mr. KALMBACH. Well, I mean the press coverage on the Watergate. I was beginning to have concern about this assignment. And I wanted, and I said, "John, I want you to tell me"—and you know, I can remember it very vividly because I looked at him, and I said, "John, I am looking right into your eyes. I know Jeanne and your family, you know Barbara and my family. You know that my family and my reputation mean everything to me, and it is just absolutely necessary John, that you tell me, first that John Dean has the authority to direct me in this assignment, that it is a proper assignment, and that I am to go forward on it."

Mr. DASH. And did he look at you in the eyes?

Mr. KALMBACH. Yes; he did.

Mr. DASH. What did he say to you?

Mr. KALMBACH. He said, "Herb, John Dean does have the authority, it is proper, and you are to go forward."

Now, he said, in commenting on the secrecy, he explained that as saying that but for the secrecy, this whole assignment, getting these funds to these people for this purpose could get into the press and be misinterpreted. And then I remember he used the figure of speech, he said, "They would have our heads in their laps," which again would indicate to me that it would jeopardize the campaign.

Mr. DASH. Did he say something like this was political dynamite?

Mr. KALMBACH. Well, I do not remember that, but I remember the "our heads in their laps" remark. He might have said political dynamite.

But the effect of all this, Mr. Dash, was to—

Mr. DASH. To reassure you?

Mr. KALMBACH. The effect actually was that it washed out the concern that I had had—that had built up preliminary to this meeting, and I went out of that meeting certain that it was proper for me to go back to California and approach this contributor, this first contributor that I would approach in this program.

Mr. DASH. Well, even though he told you then that you would have to maintain the secrecy and that if it ever got out, they—and I take it that he may have meant the Democrats—

Mr. KALMBACH. Yes.

Mr. DASH [continuing]. Would you have our heads in their laps and it might jeopardize the campaign, that did not suggest to you any impropriety in doing that?

Mr. KALMBACH. No; it did not.

Mr. DASH. Why not?

Mr. KALMBACH. It suggested to me that the concern was that this would have a—if it got into the press, misinterpreted—

Mr. DASH. How could it be misinterpreted?

Mr. KALMBACH. Misinterpreted in whatever way—that funds were being given to these people.

Mr. DASH. Now, how could your providing funds through either Mr. Dean's aegis or through Mr. Erlichman's aegis, through the committee, to burglars, wiretappers, and conspirators be misinterpreted?

Mr. KALMBACH. Well, the misinterpretation would be that this was being done to silence these people.

Mr. DASH. Could anybody have had any other interpretation?

Mr. KALMBACH. I did.

Mr. DASH. What interpretation did you have, Mr. Kalmbach?

Mr. KALMBACH. I had the interpretation, as I stated in my opening statement, that I felt that the green light had been given to these people in some manner, expressly or implicitly, and maybe by just, just by chance, where they had gone forward on this idiotic and stupid thing in this Watergate break-in and illegal act, and that someone—and I never knew to whom Mr. Dean and Mr. LaRue reported. I just had the feeling that someone had given the go-ahead in some manner and that someone felt that even though these people had done an illegal act, the decent thing to do is to provide them with, at least provide them with lawyers and provide them with family support.

Mr. DASH. And not to see that certain people were fired and to come out and disclaim it rather than actually support these people before they were charged with any offense?

Mr. THOMPSON. But is that not something completely separate and apart from what Mr. Kalmbach was doing? Didn't Mr. Kalmbach come to you and, in essence, tell you that he was raising money and ask if it was all right?

Mr. EHRLICHMAN. Well, not quite in those terms, but I had a conversation with Mr. Kalmbach about the fact that he was raising money for attorneys' fees.

Mr. THOMPSON. Give us the essence of that conversation, if you can. When did it occur and what was said?

Mr. EHRLICHMAN. It occurred on July 14 out in his office in Newport Beach. That was a Friday afternoon. I stopped at his office on my way from the western White House back to the place that I was staying, which was on farther north, and he showed me his offices. We talked about the California political situation, which he was then very concerned about, on which he had a number of ideas. And he mentioned to me in the course of that get-together that he was now raising money. He said it rather philosophically, because we had had a conversation back sometime in February or March in which—

Mr. THOMPSON. How do you talk about raising money, philosophically? [Laughter.]

Mr. EHRLICHMAN. Well, this way: He had hoped to get out of the money-raising business the first of April and we had hatched a rather elaborate plot to get him out of the money-raising business and it was that Bob Haldeman and I would be his defense when Maury Stans and John Mitchell asked him to get back into the fundraising again. He said he had had that activity and he had been at it a couple of times in Presidential campaigns and he really wanted to do other kinds of things to be helpful.

So we agreed that when he was approached by Mr. Stans or Mr. Mitchell, that he would say, and we would back him up, that he was going to do political chores for the White House on assignment.

He was philosophical about it in the sense that it was sort of, well, maybe you have heard—

Mr. THOMPSON. Could I ask you this?

Mr. EHRLICHMAN [continuing]. I am back raising money again.

Mr. THOMPSON. Pardon me for interrupting. Could I ask you this: He testified essentially that he looked into your eyes and said, "John, I know your family, you know my family, is this the thing to do, is it all right?"

You said, "yes, Herb, it is."

Now, did that happen?

Mr. EHRLICHMAN. I am sure that if he had looked into my eyes and I had looked into his eyes and we had invoked the names of our wives, I am sure I would remember that solemn occasion and I am sorry to say that I don't remember.

I would never in my life ask Herb Kalmbach to do anything that I thought was shady or improper, certainly not illegal. And if Herb Kalmbach had ever said to me, "Do you vouch for the propriety or the legality of what I am doing," I would have been very, very slow to make any assurance to Herb without a lot of research to satisfy myself. And that is why I am pretty sure that that kind of request was not made of me and I did not make a response, because I never did have occasion to research it or find out about it.

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Mr. THOMPSON. Dean had already talked to you about it previously, though?

Mr. EHRLICHMAN. Well, he had talked to me about it. He said, "Look, I am going to see if we can get Herb Kalmbach wound up to raise some attorney's fees for John Mitchell, who says we have really got to do it for the reasons that I have stated." He said, "if he checks with you, back me up on this."

Now, it happened that he did not check with me. Herb did not call me and we did not talk about it until he was well into the project. As I say, it was, as I recall, the 14th of July when we first discussed it. And the balance of the conversation, after he said, as I say, rather resignedly, that he was back in this, that he was using Tony Ulasewicz to carry cash—and I got the impression that he was carrying cash from California to the East and I may be mistaken about that, but I related that to Dean's very brief conversation with me before about this. There was no solicitation of him to me, is this OK for me to do or anything of that sort at that time.

Now, he was in my office again back here, what, 12 days later, I guess it was, on the 26th. and my log shows that. I do not know—he made periodic visits and he would come in and he would have a whole list of things that he wanted to talk about, and we would go down his list. It may be that this business was on it, but I am just morally certain that there was no such request of him that I vouch for the activity nor was there any vouching on my part.

Mr. THOMPSON. Mr. Ehrlichman, I would like to conclude. Now the reason I am probing this area with regard to your frame of mind at the time is this: It appears to me that if, say, the break-in at the psychiatrist's office of Daniel Ellsberg was a legitimate matter, a matter concerning national security and was held under your interpretation, I presume, of the implied powers of the President under the Constitution; if you felt this way, and if, in fact, the President had instructed you for national security reasons to see that those matters were not uncovered or exposed in the investigation of the Watergate, then all of these other matters would seem to follow as a matter of course, the other matters you responded to, this business about telling Dean to deep-six the Hunt documents; the business about seeing that money was raised or helping to see that money was raised to keep the defendants quiet; this business about offering Hunt Executive clemency or the President offering Hunt Executive clemency and I know you want to respond to all of those, but I am interested in how you felt at the time. If, first, you did feel like the previous activities of the Plumbers were legitimate and legal, and, second, the President did give you the instruction which he says he gave you, then would not these matters follow as a matter of course, and would you have any reason to deny them?

Mr. EHRLICHMAN. Mr. Thompson, without getting into all of these specific misstatements of truth, let us look at what I did do when the President gave me the instruction back in the first of 1972, with regard to holding confidential the activities of that special unit. What I did do was to contact the people who were involved, that is, Krogh, and Young primarily, and say, "This is the President's decision, this is his determination, he does not want this talked about. It is confidential, it is secret, it is not to be discussed."

Senator ERVIN. Can you—

Mr. EHRLICHMAN. I didn't contribute a nickel, Mr. Chairman.

Senator ERVIN. Yes. [Laughter.]

You authorized somebody else to contribute?

Mr. EHRLICHMAN. No, I would like to set that straight, if I might, Mr. Chairman.

The only reason that anybody ever came to me about Mr. Kalmbach raising money was because of this arrangement that we had entered into that we would protect Mr. Kalmbach if he wished to be protected from requests to raise money. Now that is—it was a situation where obviously he didn't wish to be protected. He made the judgment, he made it independent of me, and whether I conceded to it or not obviously didn't make any difference.

Senator ERVIN. Did he ever talk to you about that?

Mr. EHRLICHMAN. Not until after the fact.

Senator ERVIN. I will ask you if he didn't come to you and not only talk about having known you a long time and you having known his family, but didn't he ask you whether it was a proper or legal operation?

Mr. EHRLICHMAN. Mr. Chairman, the testimony is that that meeting, according to Mr. Kalmbach, was the 26th of July when he was long into this, and as I have already testified.

Senator ERVIN. He testified he had become dubious about the propriety of it and he went to you for reassurance?

Mr. EHRLICHMAN. Well, as I—

Senator ERVIN. And he also testified when he got to you that you told him it was all right and to see that the money was delivered in secret because if he didn't deliver it in secret their heads would be in their laps. Didn't that occur?

Mr. EHRLICHMAN. No. As a matter of fact, Mr. Chairman, as I have just told Mr. Thompson, I would be terribly slow to reassure Herb Kalmbach, whom I consider a good and close friend, of the propriety of any such undertaking, of any such undertaking without checking it first, if he had asked me, and I am testifying to you, Mr. Chairman, that he did not ask me.

Senator ERVIN. Well, you recall his testimony was to the effect that I have given you?

Mr. EHRLICHMAN. You mean about the head in the lap business?

Senator ERVIN. Yes; that the heads would roll.

Mr. EHRLICHMAN. I suspect that what was said there was that certainly Mr. Kalmbach's involvement—

Senator ERVIN. I am not asking about that. My question is, didn't he have a conversation in which you told him to do it in secret because otherwise "If it gets out, our heads will be in their laps"?

Mr. EHRLICHMAN. I am trying to answer you, Mr. Chairman.

Senator ERVIN. Well, you can answer that yes or no. I have just 20 minutes at this time, and I want to ask my questions. [Laughter.]

I will put this question to you: Don't you consider that Herbert Kalmbach—

Mr. EHRLICHMAN. I am perfectly willing to answer that, Mr. Chairman.

Mr. WILSON. Let him answer that question, Mr. Chairman, please.

Senator ERVIN. He goes off and answers something I don't ask him.

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Mr. WILSON. Yes, but a "Yes" and "No" usually calls for explanation.

Senator ERVIN. Well, what is the answer, yes or no, that he had this conversation with Mr. Kalmbach?

Mr. EHRLICHMAN. I had a conversation with Mr. Kalmbach, Mr. Chairman, and I have no doubt that we, if he says so, that we discussed the question of secrecy because I do recall his saying that Mr. Ulasevich was carrying money back and forth.

Now, I had in my mind at that time the realization that this, what I considered to be a legitimate undertaking, could be terribly misconstrued if someone were to impute the efforts of the President's lawyer to this defense fund for Watergate burglars. I mean there is room for misunderstanding; I think you have stated the misunderstanding very eloquently in your opening question.

Senator ERVIN. So that was the reason that you made arrangements by which a gentleman in California, who resided in California, would deliver the money in cash and sometimes in laundry bags to an ex-policeman in New York, and allow the ex-policeman to come down and deliver the money under orders that he wasn't going to permit the people he delivered it to, to see him.

Mr. EHRLICHMAN. Well, Mr. Chairman, as you know, I had nothing to do with those details at all. As a matter of fact, I was quite surprised to learn in the testimony here that there was what amounted to a laundering process where committee money or money held by people in the committee were passed through several hands and around to Mr. Kalmbach for eventual delivery, and this, of course, all predated any conversation that Mr. Kalmbach and I had.

Senator ERVIN. Well, I have always thought that if a political institution or committee enacted the role of an eleemosynary institution, it would, like the Pharisee, brag about it on all opportunities, and so you agreed with me that a Doubting Thomas might think that this money was routed in this clandestine way, not only to keep it secret but also to keep these people that were receiving the money secret?

Mr. EHRLICHMAN. No, I don't agree with that because I don't know that. I haven't heard anything—

Senator ERVIN. I am not talking about you; a Doubting Thomas might reach a very erroneous conclusion, mightn't he?

Mr. EHRLICHMAN. Doubting Thomases are known for conclusions like that.

Senator ERVIN. Let's see, didn't you have a phone conversation with Mr. Kalmbach just before he came to Washington to testify before the grand jury about this matter?

Mr. EHRLICHMAN. I believe he was in Washington with his attorneys at the time.

Senator ERVIN. Yes. And didn't you bug his telephone conversation with you?

Mr. EHRLICHMAN. No, sir.

Senator ERVIN. Didn't you record it then?

Mr. EHRLICHMAN. Yes, sir.

Senator ERVIN. Did you tell him in advance? [Laughter.]

Will you tell us precisely what the difference is between recording a telephone conversation and bugging it?

Mr. EHRLICHMAN. I will be happy to tell you my view of it.

involved in the Committee To Re-Elect the President, and the burglary at the Watergate.

Mr. KALMBACH. Yes, sir.

Senator ERVIN. Yes.

Mr. KALMBACH. I think again that Mr. Dean, whether he was speaking—and I don't know who he was speaking for when he came to me and I still don't. But I felt that he had ties and I knew that he had ties with the Committee To Re-Elect, and, of course, ties in the White House.

Senator ERVIN. And when you talked to John Ehrlichman about this, John Ehrlichman told you that it was an important assignment, that you should carry it out, and that if this money was not raised, they would have our heads in their laps.

Mr. KALMBACH. No, sir, he did say that it was an important assignment, that John Dean did have the authority, and that I should go forward.

The statement that Mr. Ehrlichman made about heads in the laps was meant that if—this is the reason for the secrecy procedures—that if in fact, I didn't follow these secrecy procedures and it got into the press, it could be misinterpreted and would jeopardize the campaign.

Senator ERVIN. Well, he did tell you that if this assignment was not kept secret, that they would have our heads in their laps. And you took that to mean that "they" were some Democrats.

Mr. KALMBACH. Yes, sir.

Senator ERVIN. Or the public press?

Mr. KALMBACH. Yes, sir.

Senator ERVIN. Yes.

Now, you knew at that time, did you not, that it had appeared in the public press all over the Nation, and on TV, that five burglars had been caught redhanded in the Watergate and that at that time, they had in their pockets money which had come from the Nixon campaign fund, didn't you?

Mr. KALMBACH. Yes, sir, I think I knew that.

Senator ERVIN. And that was one of the things that excited in your mind the suspicion that there might be some connection between somebody in the White House or in the Committee To Re-Elect the President that they had procured the burglary at the Watergate, didn't it?

Mr. KALMBACH. I think it entered my mind, Mr. Chairman, that that was certainly a fact which indicated that they had been given the go-ahead by somebody at the Committee To Re-Elect.

Senator ERVIN. Now, didn't you have a phone conversation with John Ehrlichman on April 19, 1973, at 4:50 p.m., the day before you were scheduled to go before the grand jury?

Mr. KALMBACH. Yes, sir, I did.

Senator ERVIN. And didn't John Ehrlichman suggest to you that you should emphasize that he and Bob Haldeman had nothing to do with any of these matters?

Mr. KALMBACH. I don't recall that that was what was stated, but I do recall the conversation. I think that he indicated in that conversation that Mr. Dean had talked to both he and Mr. Haldeman; yes, sir. I remember that.

Senator ERVIN. Yes; well, John Ehrlichman told you in that conversation that Dean had gone to the prosecuting attorney and was

seeking immunity and that he, Dean, had sworn off on Bob Haldeman and John Ehrlichman, didn't he?

Mr. KALMBACH. I think that is substantially what I remember.

Senator ERVIN. And didn't he suggest that you testify as far as you could so as to implicate Dean and exonerate Haldeman and Ehrlichman?

Mr. KALMBACH. I did not so understand it, Mr. Chairman. I understood him to say to tell the complete truth.

Senator ERVIN. Well, let's see. Didn't he tell you, among other things—didn't he say this: "I wouldn't haul the President into it if I could help it."

Didn't Ehrlichman ask you that?

Mr. KALMBACH. Excuse me, Senator, may I read this, please?

Senator ERVIN. The top of page 4.

Senator WEICKER. Mr. Chairman, in fairness, wouldn't it be proper to give the witness a few minutes to read the entire document that has been presented to him? Apparently, it is the first time he has seen it.

Mr. KALMBACH. It is.

Thank you very much.

Senator BAKER. Mr. Chairman, I would also like to say that it is my understanding—I missed it in your inquiry—that what you are reading from is a question and answer telephone conversation transcript, which was apparently recorded and submitted to us by Mr. Ehrlichman in the course of his interview. And also in fairness, as Senator Weicker said, to the record, I wonder if we might have the entire document included in the record so that it will be available for ready reference.

Mr. O'CONNOR. May I say this, Mr. Chairman?

Consistent with the fact that as of March 15, when Mr. Kalmbach and I first declared that we would cooperate with this committee and have done so up until this time, I believe it was upon our advice that Mr. Dash and Mr. Lenzner became aware of this very tape. We have not, however, as yet, read it and we would appreciate that opportunity.

Senator ERVIN. I was under the impression, and I am sorry if my impression was wrong, that Mr. Kalmbach had a copy of this. Certainly, I don't want to be unfair to anybody and I certainly would accord him an opportunity to read it.

Mr. KALMBACH. Thank you.

Senator BAKER. Mr. Chairman, I wonder if there is any objection on the behalf of the committee or the witness to including this as an exhibit in the record?

Senator ERVIN. None.

Senator BAKER. May I ask unanimous consent that it be included as an exhibit in this record, appropriately numbered.

Senator ERVIN. That will be done and it will be numbered as an exhibit and included in the record as such.

[The document referred to was marked exhibit No. 77.*]

Mr. KALMBACH. Yes, sir.

Senator ERVIN. In this telephone conversation which was taped by John Ehrlichman, is it not recorded that John Ehrlichman told you, and I refer to page 3, that they, that is, the prosecuting attorneys, were trying to get at him, that is John Ehrlichman, and that they would

*See p. 2215.

2215

EXHIBIT No. 77

Conversation with Herb Kalmbach—April 19, 1973, 4:50 p.m.

E Ehrlichman

K Kalmbach

E Hi, how are you?

K I'm pretty good. I'm scheduled for 2 tomorrow afternoon.

E Where—at the jury or the U.S. Attorney?

K At the jury and I'm scheduled at 5:30 this afternoon with Silver.

E Oh, are you?

K Yeah. I just wanted to run through quickly several things, John, in line with our conversation. I got in here last night and there was a telephone call from O'Brien. I returned it, went over there today and he said the reason for the call is LaRue has told him to ask him to call me to say that he had to identify me in connection with this and he wanted me to know that and so on.

E Did he tell you about Dean?

K Nope.

E Well Dean has totally cooperated with the U.S. Attorney in the hopes of getting immunity. Now what he says or how he says nobody seems to be able to divine but he

K The whole enchilada?

E He's throwing off on Bob and me heavily.

K He is?

E Yep.

K He is.

E And taking the position that he was a mere agent. Now on your episode he told me before he left, so to speak, he, Dean, told me that really my transaction with him involving you was virtually my only area of liability in this thing and I said, well, John, what in the world are you talking about? He said, well I came to you from Mitchell and I said Mitchell needs money could we call Herb Kalmbach and ask him to raise some. And I said, and Dean says to me, and you said yes. And I said yep, that's right. And he said well that does it. And I said well that's hard for me to believe, I don't understand the law but I don't think Herb entered into this with any guilty intent and I certain didn't and so I said I just find that hard to imagine. Now since then I've retained counsel.

K Oh, you have?

E Very good and who agrees with me that it is the remotest kind of nonsense but the point that I think has to be clarified, that I'm going to clarify if I get a chance, is that the reason that Dean had to come to me and to Bob where you were concerned is that we had promised you that you would not be run pillar to post by Maurice Stans.

K And also that you knew I was your friend and you knew I was the President's attorney

E Sure

K Never do anything improper, illegal, unethical or whatever.

E Right.

K And

E But the point is that rather than Mitchell calling you direct Mitchell knew darn well that you were no longer available.

K Yep

E Now this was post April 6, was it not?

K Yep, April 7.

E So that Mitchel and Stans both knew that there wasn't any point in calling you direct because we had gotten you out of that on the pretext that you were going to do things for us.

K That's right.

E And so it was necessary for Dean to come to me and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me, this is very important, and Mitchell is up his tree or, you know, I mean is really worried: he didn't use that phrase, but he is really exercised about this. And I said well, John, if you tell me it's that important, why yes.

2216

K You know, when you and I talked and it was after John had given me that word, and I came in to ask you, John is this an assignment I have to take on? You said, yes it is period and move forward. Then that was all that I needed to be assured that I wasn't putting my family in jeopardy.

E Sure.

K And I would just understand that you and I are absolutely together on that.

E No question about it, Herb, that I would never knowingly have put you in any kind of a spot.

K Yeah. Well and when we talked you knew what I was about to do, you know, to go out and get the dough for this purpose; it was humanitarian.

E It was a defense fund.

K . . . to support the family. Now the thing that was disquieting about this thing with O'Brien was that he said that there is a massive campaign evidently under way to indict all the lawyers including you, Herb, and I was a little shocked and I guess what I need to get from you, John, is assurance that this is not true.

E Well I don't know of any attempt to target you at all. My hunch is that they're trying to get at me, they're trying to corroborate. See what they said to Dean is that he gets no consideration from them unless they can corroborate Haldeman and my liability.

K God, if I can just make it plain that it was humanitarian and nothing else.

E Yeah, and the point that I undoubtedly never expressed to you that I continually operated on the basis of Dean's representations to me.

K Yep. It was not improper.

E Right.

K And there was nothing illegal about it.

E See, he's the house lawyer.

K Yep, exactly and I just couldn't believe that you and Bob and the President just too good friends to ever put me in the position where I'd be putting my family on the line.

K And it's just unbelievable, unthinkable. Now shall I just—I'll just if I'm asked by Silver I'll just lay it out just exactly that way.

E Yeah, I wouldn't haul the President into it if you can help it.

K Oh, no, I will not.

E But I think the point that which I will make in the future if I'm given the chance that you were not under our control in any sort of a slavery sense but that we had agreed that you would not be at the beck and call of the committee.

K And, of course, too, that I act only on orders and, you know, on direction and if this is something that you felt sufficiently important and that you were assured it was altogether proper, then I would take it on because I always do it and always have. And you and Bob and the President know that.

E Yeah, well, as far as propriety is concerned I think we both were relying entirely on Dean.

K Yep.

E I made no independent judgment.

K Yep. Yep.

E And I'm sure Bob didn't either.

K Nope and I'm just, I just have the feeling, John, that I don't know if this is a weak reed, is it?

E Who, Dean?

K No, I mean are they still going to say well Herb you should have known.

E I don't know how you could've. You didn't make any inquiries.

K Never. And the only inquiries I made, John, was to you after I talked to John Dean.

E And you found that I didn't know just a whole helluva lot.

K You said this is something I have to do and—

E Yeah, and the reason that I said that, as you know, was not from any personal inquiry but was on the basis of what had been represented to me.

K Yeah, and then on—to provide the defense fund and to take care of the families of these fellas who were then

E Indigent

K Not then been found guilty or not guilty

2217

E And the point being here without attempting to induce them to do a damn thing.
K Absolutely not and that was never, that was exactly right.
E OK.
K Now, can I get into see you tomorrow before I go in there at 2?
E If you want to. They'll ask you.
K Will they?
E Yep.
K Well, maybe I shouldn't.
E They'll ask you to whom you've spoken about your testimony and I would appreciate it if you would say you've talked to me in California because at that time I was investigating this thing for the President.
K And not now?
E Well, I wouldn't ask you to lie.
K No, I know.
E But the point is
K But the testimony was in California
E The point is. Well, no your recollection of facts and so forth.
K Yes, I agree.
E See, I don't think we were ever seen together out there but at some point I'm going to have to say that I talked to O'Brien and Dean and Magruder and Mitchell and you and a whole lot of people about this case.
K Yeah
E And so it would be consistent.
K Do you feel, John, that calling it straight shot here, do you feel assured as you did when we were out there that there's no culpability here?
E Yes.
K And nothing to worry about?
E And Herb from everything I hear they're not after you.
K Yes, sir.
E From everything I hear
K Barbara, you know
E They're out to get me and they're out to get Bob.
K My god. Alright, well, John, it'll be absolutely clear that there was nothing looking towards any cover-up or anything. It was strictly for the humanitarian and I just want, when I talked to you I just want you to advise me that it was alright on that basis.
E On that basis.
K To go forward
E That it was necessary
K And that'll be precisely the way it is.
E Yeah, OK.
E Thanks, Herb. Bye

○

20. On or about August 5, 1972 Kalmbach met in California with Thomas Jones, Chairman of Northrop Corporation, who previously had contributed and had offered to provide additional funds for the President's campaign. At that meeting Jones delivered to Kalmbach a wrapped package of cash (\$50,000 according to Jones, and \$75,000 according to Kalmbach). Shortly thereafter Ulasewicz came to California and Kalmbach covertly delivered \$75,000 in cash to Ulasewicz for the Watergate defendants. Kalmbach has testified that a few days thereafter he advised Ehrlichman that in connection with his assignment he had raised \$75,000. Ehrlichman has testified that he places this conversation with Kalmbach in April 1973 rather than August 1972.

In August 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. or Mrs. Howard Hunt (\$43,000 and \$18,000) by placing unmarked envelopes containing the money in lockers at Washington National Airport.

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Mr. KALMBACH. Mr. Dash, I had no background knowledge at all. This is just the impression that I received and I thought that frankly, it was, again, a very humane thing.

Mr. DASH. So in a real sense, you took your so-called moral standard from Mr. Ehrlichman's statement that it was appropriate?

Mr. KALMBACH. Well, Mr. Dash, I think it is more that I had such trust in Mr. Dean and Mr. Ehrlichman that I, if I were advised by them, assured by them, in my mind, there was no possibility that there would be any—

Mr. DASH. Impropropriety?

Mr. KALMBACH [continuing]. Any impropriety; no, sir.

Mr. DASH. Now, at that time when you had been reassured by Mr. Ehrlichman, did you pick up any additional money from Mr. LaRue while you were in Washington?

Mr. KALMBACH. Yes; I recall that I picked up approximately \$30,000 the next day that Mr. LaRue gave to me in his office at 1701 Pennsylvania Avenue.

Mr. DASH. Did you have any additional instructions with regard to that money?

Mr. KALMBACH. I may have, Mr. Dash. I don't recall.

Mr. DASH. What did you do with that money?

Mr. KALMBACH. I called Mr. Ulasewicz, who came down to Washington, and stayed at the Statler-Hilton, and I gave him those funds in his room at the Statler-Hilton.

Mr. DASH. All right. Now, you then had returned to California, did you not?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Did you raise that additional amount of money that you were asked to raise?

Mr. KALMBACH. Yes, I did. I called Mr. Thomas V. Jones sometime between, I think it was August 1 and August 5, I am not certain as to the date, and indicated that I would like to come by and see him. He had earlier indicated to me that he would have funds for me if there was any special need.

Mr. DASH. Did he—who, by the way since you have named him, who is Mr. Jones?

Mr. KALMBACH. He is chairman of Northrop Corp., in California.

Mr. DASH. And has he been a political contributor to Mr. Nixon, the President?

Mr. KALMBACH. Yes, sir, he has personally.

Mr. DASH. And when he indicated to you earlier if you needed any help he would provide those funds, was that in the area of contributing to the President's reelection campaign?

Mr. KALMBACH. Yes, sir.

Mr. DASH. All right. Now you called him and told him what?

Mr. KALMBACH. I called him and I think I reminded him on the telephone of his earlier statement to me, and he indicated immediately that he would be glad to see me, and we worked out a time that was mutually convenient. I went to his office, in Century City in West Los Angeles, I think it was in mid-afternoon and met with him there, and we had a 15-minute meeting or thereabouts, and he took from his desk a package, and handed it to me. I put it in my briefcase, and left his office and went back to Newport Beach.

2109

Mr. DASH. What was in the package?

Mr. KALMBACH. It was \$75,000 in cash.

Mr. DASH. And do you know what denomination the money was in?

Mr. KALMBACH. \$100 bills, as I remember it.

Mr. DASH. When you spoke to Mr. Jones did you tell him why you wanted the money?

Mr. KALMBACH. No, again just with Mr. Stans, I told him that it was for a special assignment. I did not—I told him it was an assignment that I could not reveal the nature of it, that I had been given the assignment by one in authority at the White House and that was sufficient.

Mr. DASH. Would it be fair to say that he would assume that it had something to do with the campaign to reelect the President?

Mr. KALMBACH. I think it would be yes.

Mr. DASH. As a matter of fact, it did not, did it?

Mr. KALMBACH. Well, it was for the purpose that I have stated.

Mr. DASH. Yes.

Now, how did you—what did you do with these funds, did you give them to Mr. Ulasewicz?

Mr. KALMBACH. Within, I think it was the next day or possibly the day following, Mr. Ulasewicz came out to California at my request, and I met him in Orange County in front of the Airporter Inn in Orange County, near my office in Newport Beach.

Mr. DASH. Could you describe how you gave him the funds then?

Mr. KALMBACH. Yes, sir. I asked him to meet me in front of the Airporter Inn, I drove over in my car, picked him up, we drove and parked and talked, I gave him the funds, I think we probably reviewed our own notes as to how much had been received and how much had been distributed and to whom, and then after, I think it was, a half hour or so, I let him out in front of the Orange County Airport.

Mr. DASH. So again in method of transmission of the funds it was in sort of a covert secret method?

Mr. KALMBACH. Yes, sir.

Mr. DASH. You did it in the automobile, out on the road?

Mr. KALMBACH. Absolutely.

Mr. DASH. And transferred it to him in the original packet?

Mr. KALMBACH. Yes, in the original packet, I am certain.

Mr. DASH. Now, and then did he fly back to New York?

Mr. KALMBACH. Presumably that night, although I am not certain of that.

Mr. DASH. Did you ever discuss that \$75,000 that you raised with Mr. Jones with anyone?

Mr. KALMBACH. Well, my memory is that within a few days after that I was in Washington, and I think I saw Mr. Ehrlichman at that time and I told him of the fact that I had raised \$75,000 from Mr. Jones for that assignment. That is my recollection of, with the time I met with Mr. Ehrlichman. I think there were other things we discussed.

Mr. DASH. What was Mr. Ehrlichman's reaction when you told him you had raised that money?

Mr. KALMBACH. It was just fine, without more—

Mr. DASH. He was—you were following out the original reassurance and he knew you were doing the job?

would scotch tape the key to the locker where I made my drop. [80]*

Then I would leave that area and either go by the newsstand opposite or—this would be where the phone booth would be. This is a lounge, where she would be coming through in this direction. [81]* This is a window for airplane observation by the public, et cetera, and I would probably be in this area, walk there, would be a little further behind, where I could watch the booth. Her directions were the same thing, don't hesitate, go right into the booth, remove the key, go to the locker. The locker would be 25 feet, I guess, or so across the corridor.

Mr. LENZNER. Now, before she arrived on the first occasion, did you also have a description of her, the clothes she was going to wear?

Mr. ULASEWICZ. Yes; she mentioned that day she would be wearing a blue outfit and I think she said her hair in a clip back off the shoulders.

Mr. LENZNER. Now, I believe on May 19 of this year, when we went out to that phone booth with you, there was some scotch tape underneath that telephone box?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, did you observe her on the first occasion come by, pick up the key, and go over to the box, which I think is N-301, and remove funds that you had left there?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Did you see her do that on other occasions?

Mr. ULASEWICZ. On two other occasions.

Mr. LENZNER. Now, the first occasion, how much money did you leave in that box?

Mr. ULASEWICZ. \$40,000.

Mr. LENZNER. The second occasion?

Mr. ULASEWICZ. I will just refer to the notes.

Mr. LENZNER. Sure.

Mr. ULASEWICZ. I mentioned there was one occasion that Mr. Hunt came. I mentioned actually there were four drops to the Hunts.

Mr. LENZNER. Four drops to the Hunts—three to Mrs. Hunt and one to Mr. Hunt?

Mr. ULASEWICZ. That is correct. There were \$43,000 the second time, \$18,000 the third, and \$53,500 on the last occasion, which was September 19.

Mr. LENZNER. All right, sir. Now, I take it you had the telephone booth under observation from the lounge after you left the key until at some point when Mrs. Hunt picked up the key?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. What if someone had come in and found that, Mr. Ulasewicz, while you were watching?

Mr. ULASEWICZ. Well, he would be very quickly relieved of that key. I think that is the best I can answer. Why put myself in that position?

Mr. LENZNER. I take it that was the purpose of keeping the booth under observation?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Did there come a time when you were instructed by Mr. Kalmbach to deliver funds to Mr. Liddy?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Do you remember approximately when that was?

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. ULASEWICZ. No, there was nothing of whom we were speaking. But this—at one time he said to me whom she was meeting. There was some conversation, I recall, where she conducted some type—there was a sit-down deal with defendants from time to time. Like when she mentioned McCord's financial difficulties, that he was contemplating mortgaging his residence and she mentioned the fellows down South, which is indicative of the fact that there were some meetings going on.

Mr. SHURE. Then she was meeting with the defendants?

Mr. ULASEWICZ. With the defendants.

Mr. SHURE. But did she give you any indication that she was meeting with anyone from your side concerning how much money she was to be paid by your sources?

Mr. ULASEWICZ. Actually, I had no side. I was kind of a loner. However, I would take it up with Mr. Kalmbach and the answer would be no.

Mr. SHURE. Well, you were, then, the only person that was conveying her initial demands or her subsequent demands?

Mr. ULASEWICZ. To the best of my knowledge, I was the only person that went through this with her.

Mr. SHURE. But it was clear to you that after the demands were made, it was established and agreed by her, the amounts that you were instructed to deliver?

Mr. ULASEWICZ. Correct.

Mr. SHURE. Let's refer to that conversation you had with Mr. Kalmbach in the airport at Orange County, Calif. What date is that, if you recall?

Mr. ULASEWICZ. That was August 3 to 5, in California.

Mr. SHURE. And that entire conversation took place in the car?

Mr. ULASEWICZ. In the car.

Mr. SHURE. And that was the occasion that you received the last payment of \$75,000 from Mr. Kalmbach?

Mr. ULASEWICZ. That is correct.

Mr. SHURE. Mr. Kalmbach indicated yesterday in his testimony that he came to a conclusion somewhere along the way that he had to get out of this business of paying off the money. Was it your suggestion to him that you both get out of this business?

Mr. ULASEWICZ. It sure was.

Mr. SHURE. In other words, you brought it up to him?

Mr. ULASEWICZ. Yes, and in phone calls prior to this meeting, likewise.

Mr. SHURE. What was Mr. Kalmbach's response to these phone calls?

Mr. ULASEWICZ. He was getting more and more concerned about what was going on, and his reaction was much the same as my own thoughts, that we were engulfed or caught in some sort of flow of events and moneys that we did not contemplate or anticipate in any way. We started out doing what we considered were legal and for purposes to assist, and Mr. Kalmbach, in all my conversations, if the word is exuded, that is what he did to me. We didn't have to go into it in any way.

When we were in the automobile, this was the final thing that we were going to go through, and as I told you, I started right out with him saying as I did.

INTERVIEW

Mr. Jones is Chief Executive Officer of the Northrup Corporation; Century City, California.

Mr. Jones stated that he made his regular contribution to the Republican Party towards the end of February 1972. At that time he informed Mr. Herbert Kalmbach, to the effect, if there is a need for something again, while he couldn't promise, Mr. Kalmbach could call him.

Mr. Jones pledged \$50,000 in February.

Sometime near the end of July 1972, Mr. Jones stated he got a call from Mr. Kalmbach advising him that he, Mr. Kalmbach, thought there was a real need for more funds, and Mr. Jones told him to come by his office. Mr. Kalmbach told him he needed \$50,000 in cash.

Mr. Kalmbach came by Mr. Jones's office sometime between August 1st and August 5th, and

Mr. Jones handed him a wrapped package of money.

Interview with Thomas Jones on July 17, 1973

at Los Angeles, California

by Mike Hershman and Wayne Bishop

Dictated July 31, 1973 Transcribed August 1, 1973 by P. Balan

Page 1 of 3 pages.

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Mr. Jones claims the money totaled \$50,000 which he claims was his own personal money which he returned from a safe in his home. He turned this money over to Mr. Kalmbach with the understanding that it was to be used in the campaign. Mr. Jones denies that Mr. Kalmbach indicated any special need for the money.

Mr. Jones stated that Mr. Kalmbach did call him later that day or the following day indicating there was \$75,000 in the package. Mr. Jones stated in no way was there \$75,000, just \$50,000.

Mr. Jones admitted he met with John Mitchell several times after that but denied there was any connection between his contribution(s) and the meetings. He stated that he met with Mitchell after he was told that Mitchell was the person in the Administration who would know what other persons to contact in pursuit of the Northrup Corporation business ventures in foreign countries. Jones stated that he or his corporation did not need anything from the Administration in the way of favors but instead, he and his organization needed to know whom they should keep informed and have approval of sales, etc. within the Administration.

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you told him, according to Mr. Kalmbach's testimony that, yes, it was important that he do it and that had to be secreted and that if they did not do it that way they might have their head in their lap. The record will show it so.

Mr. EHRLICHMAN. As you see, my recollection before he testified is the same as it is now.

Mr. DASH. Now, in August 1972, we have had testimony on this, but I am just raising this.

Mr. EHRLICHMAN. We had testimony on all of that.

Mr. DASH. Well, I know, but right now it is a question of bringing some of this down to a little more finiteness than we have had it. You called Mr. Petersen and asked that Mr. Stans not go to the grand jury. You did that in August 1972. I think we have had plenty of testimony on that.

Mr. EHRLICHMAN. Do we know that? I was not able to fix that date. What date do you have for that?

Mr. DASH. Sometime in August of 1972.

Mr. EHRLICHMAN. I am not able to say.

Mr. DASH. I do not have the specific date.

Now, do you recall meeting Mr. Kalmbach again on August 8? It is in your diary that you did.

Mr. EHRLICHMAN. Not with regard to any specifics that were discussed in the meeting. I see it on the log and I have no doubt that it took place.

Mr. DASH. All right, now Mr. Kalmbach's recollection was that after he had that meeting with you, he then went out and he obtained some private funds from a private contributor, \$75,000, and that when he saw you on the 8th, that he just reported to you that he was able to raise \$75,000 from a private campaign contributor for this defense fund. Do you recall his reporting to you that he was able to raise that money at that time?

Mr. EHRLICHMAN. I had the impression that that was what he was telling me July 14 out in his office because we discussed his use of Tony Ulasewicz to carry money, and my impression was that he was carrying that from the west coast to the east coast. I never did know the amount that he raised until I talked to Mr. Kalmbach in April of this year while I was conducting this inquiry, and I don't recall his ever telling me who it was that he raised the money from, although I heard him testify to the effect that—

Mr. DASH. Did he tell you how much he raised?

Mr. EHRLICHMAN. I think in April he did, yes. I think he told me \$70,000.

Mr. DASH. Well, I mean earlier. I am talking about some time in August.

Mr. EHRLICHMAN. No. I don't think I knew about it before April of this year.

Mr. DASH. Did you know at all that he raised it from a private campaign contributor?

Mr. EHRLICHMAN. Campaign contributor?

Mr. DASH. Yes. Somebody who had been giving campaign funds for the reelection of the President.

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Mr. EHRLICHMAN. I think he described to me that it was a business—my impression was it was two people and they were in California and that was all the description that I think I had.

Mr. DASH. Did that raise any problem in your mind that maybe Mr. Kalmbach was going to campaign contributors for defense funds?

Mr. EHRLICHMAN. No. I didn't connect the two, I don't believe.

Mr. DASH. All right. Now, after June 17, the date of the break-in, what information did you have, Mr. Ehrlichman, about Mr. Magruder's involvement in the Watergate? Shortly after.

Mr. EHRLICHMAN. There was a lot of—there was a lot of suspicion shortly after and I would put this in, say, the first 6 weeks after the break-in, a good deal of suspicion of Mr. Magruder largely based on what Mr. Sloan was saying to people, and so there was a good deal of speculation that I can recall during that—during that period of time and it culminated in the conversation which Mr. Dean and I had with the Attorney General on July 31, where this was specifically discussed; that is, Mr. Magruder's involvement. The Attorney General said based on the FBI interviews and prosecuting attorneys' examination into Mr. Magruder's involvement, that it appeared that any involvement that he had related to money and there was a square dispute between Mr. Magruder and Mr. Sloan as to the truth of the assertion about Mr. Magruder's involvement, and that the Attorney General anticipated that Mr. Magruder might possibly be going to take the fifth amendment before the grand jury.

Now, that remained the open question, so far as I knew, until Dean or someone told me that Magruder had in fact testified to the grand jury, and then as matters unfolded, he testified at the trial and he was considered to have told the truth and he came out, sort of the—out of the shadow at that point.

Mr. DASH. All right. But were you aware that during this period of time, the end of June, July, and August, that Mr. Mitchell, Mr. LaRue, Mr. Mardian, Mr. Magruder, Mr. Dean, were in frequent meetings, daily meetings, discussing the fact that Magruder's involvement—

Mr. EHRLICHMAN. No.

Mr. DASH [continuing]. And the fact that Magruder was going to tell a particular story to the grand jury?

Mr. EHRLICHMAN. No, I was not.

Mr. DASH. Mr. Dean has testified he acted as a liaison and he did inform you.

Mr. EHRLICHMAN. Yes, well, that is not correct.

Mr. DASH. As a matter of fact, if he had, it would not be inconsistent with the meeting in the presence of the Attorney General, where the Attorney General reported there was nothing of Mr. Dean's being silent, if in fact, Dean was involved in a coverup, I take it he would not let the Attorney General know about it.

Mr. EHRLICHMAN. Would you repeat that question?

Mr. DASH. I was saying, you said the only time you had any clear understanding, at least the Attorney General's understanding of Mr. Magruder's involvement, was when he met with you and Mr. Dean and told him there was no involvement. Is that true?

Mr. EHRLICHMAN. Mr. Magruder and—

Mr. DASH. The Attorney General.

October 2, 1972

Memorandum to: Mr. William O. Bittman

From: Dorothy Hunt

Subject: Accounting of Monies Received

In July, I received and paid out the following amounts:

\$5,000	Bail money for Frank Sturgis
\$15,000	Income replacement James McCord
\$12,000	Bail at \$4,000 each for Messrs. Barker, Martinez and Gonzalez
\$ 6,000	Income replacement for Mr. Barker
\$ 4,000	Income replacement for Mr. Sturgis
\$30,000	Income replacement for Mr. Hunt and Mrs. Hunt
\$ 3,000	Income replacement for Mr. Martinez
\$ 3,000	Income replacement for Mr. Gonzalez
\$10,000	Under table bail money for Mr. Barker

(Note: Income replacement was for a period of July-Nov.)

In August, I gave Mr. Barker a total of \$3,000 for expenses of travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of \$88,000 and have paid out \$91,000 (using the final \$3,000 from my own funds)

You already have an accounting of the \$53,500 received on September 19th.

21. On August 10, 1972 Herbert Porter testified falsely before the Watergate Grand Jury that the money he had paid Liddy prior to the Watergate break-in was for the purpose of obtaining information regarding plans by radical groups to disrupt political rallies.

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Mr. PORTER. All of it.

Mr. DORSEN. How have you now arrived at the figure you have just given us?

Mr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately \$69,000?

Mr. PORTER. Yes, sir; to the best of my knowledge.

Mr. DORSEN. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Mr. DORSEN. And briefly how did you become aware?

Mr. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. DORSEN. You are now recounting what Mr. Magruder told you.

Mr. PORTER. Yes, sir.

Mr. DORSEN. Please continue.

Mr. PORTER. He said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said, however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking

me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies, and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost \$100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them \$1,000 a month which they would take their expenses out of that, and that is \$100,000. That is not very much for a \$45 million campaign." And he said, "Now that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?

Mr. PORTER. Sir?

Mr. DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program?

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury?

Mr. PORTER. The same thing.

Mr. DORSEN. Were you a witness at the trial of the seven defendants who were indicted in the Watergate case?

Mr. PORTER. Yes, sir.

Mr. DORSEN. And did you give the same account?

Mr. THOMPSON. I have no further questions.

Senator ERVIN. You talked to Magruder before you went before the grand jury in August of 1972?

Mr. PORTER. Yes, sir.

Senator ERVIN. And you agreed to testify that during December 1971 you had told Magruder that it would require about \$100,000 for the dirty tricks episode?

Mr. PORTER. No, sir.

Senator ERVIN. For what episode?

Mr. PORTER. What I——

Senator ERVIN. You had estimated.

Mr. PORTER. Yes, that is correct; not for dirty tricks, for information-gathering from radical groups.

Senator ERVIN. From radical groups.

Mr. PORTER. Yes, sir.

Senator ERVIN. Mr. Magruder had attempted to get you to swear to some other things which you say were not true.

Mr. PORTER. Yes, sir.

Senator ERVIN. You refused to do that.

Mr. PORTER. Yes, sir.

Senator ERVIN. Then you went before the grand jury and you testified in August of 1972 and that is the only time you have been before the grand jury.

Mr. PORTER. Yes, sir.

Senator ERVIN. Then about the last of March, Mr. McCord wrote a letter to Judge Sirica which came out in the newspapers.

Mr. PORTER. Yes, sir.

Senator ERVIN. It was about that time that Mr. Magruder called you.

Mr. PORTER. Shortly after that.

Senator ERVIN. And told you things were getting hot.

Mr. PORTER. No, sir; that was on April 9.

Senator ERVIN. Well——

Mr. PORTER. For himself, he said.

Senator ERVIN. Yes. You came down to Washington after you received the phone call from Mr. Magruder?

Mr. PORTER. Well, I was already planning to come down to Washington.

Senator ERVIN. When did you come?

Mr. PORTER. On the evening of April 12.

Senator ERVIN. And was that when Magruder suggested to you that you go and talk to the counsel for the committee, that is, Kenneth Parkinson?

Mr. PORTER. No, sir, Mr. Chairman.

Senator ERVIN. When was that?

Mr. PORTER. Yes, sir; I believe Mr. McCord's letter to Judge Sirica was made public in a story in the Washington Post on a Saturday morning toward the end of March, the 20th, something—24th, 25th, something like that.

Senator ERVIN. Anyway, you talked to Parkinson and O'Brien on the 28th of March.

Mr. PORTER. Yes, sir; I did.

Senator ERVIN. And you did that at the instance of Mr. Magruder.

FILED

AUG 18 1973

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES F. DAVEY, Clerk

UNITED STATES OF AMERICA)

Criminal No. 715-73

v.)

Violation of 18 U.S.C. § 371

JEB STUART MAGRUDER)

(Conspiracy to unlawfully intercept wire and oral communications, to obstruct justice, and to defraud the United States of America)

INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly

9. On or about August 10, 1972, Herbert Lloyd Porter testified falsely before a Federal Grand Jury sitting in the District of Columbia.

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N. W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

14. On or about January 23, 1973, in the District Court for the District of Columbia, JEB STUART MAGRUDER gave false, deceptive and misleading material testimony during the trial of Criminal Case No. 1827-72, entitled United States v/ Gordon Liddy, et al.

15. On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony

22. On August 18, 1972 Jeb Magruder testified falsely before the Watergate Grand Jury that CRP had paid Gordon Liddy to conduct lawful intelligence projects. Magruder has testified that he felt it important that the story of the Watergate break-in did not come out in its true form, and he volunteered to work on the cover-up story. Prior to his grand jury testimony Magruder met at different times with John Mitchell and John Dean. Magruder has testified that Dean, Mitchell and others helped prepare him for his grand jury appearance. Mitchell has testified that he attended a meeting with Magruder and others where Magruder outlined the nature of the testimony that he was going to give. Dean has testified that he informed H. R. Haldeman and John Ehrlichman about Magruder's proposed story and Herbert Porter's proposed corroboration of it. Ehrlichman has denied that he was so advised. Magruder has testified that his reason for testifying falsely was that "if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I honestly thought that his [the President's] re-election would be probably negated."

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somewhere between \$100,000 and \$125,000, approximately. That was my guesstimate.

Mr. Porter indicated that he had distributed about \$20,000 or \$30,000 to Mr. Liddy, so I assumed that Mr. Sloan probably distributed somewhere under \$100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Mr. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If we do not know how much you gave Mr. Liddy, how can we determine what the money went for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought we could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was \$199,000 and I was aghast at that figure, because there was no way Mr. Liddy should have received that much money in that short period of time. It was only 2½ months since its approval.

Mr. DASH. Now, Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here, though, that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. MAGRUDER. Well, there were, from the time of the break-in to my second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRue, Mr. Mardian, and Mr. Dean, although many other people met in these meetings. Much of the meetings would be on subjects that were perfectly, I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the coverup story, but it became apparent, when we found out the sums were in the \$200,000 range, that we had to come up with a very good story to justify why Mr. Liddy would have spent that amount of money on legal activities.

Mr. DASH. What was that story, Mr. Magruder, that you finally came up with?

Mr. MAGRUDER. What we did was we simply took factual activity that we had asked Mr. Liddy to do and we exaggerated to a great extent the amount of money spent on those activities to the tune of the \$230,000.

I asked Mr. Porter to, would he be willing to work with us on this coverup story and, as he has testified, he indicated that he did.

So he took care of, in effect, \$100,000 and I took care of, in effect, \$150,000 by indicating that Mr. Liddy had legal projects for us in the intelligence field, and we worked over this story with Mr. Mitchell, Mr. Dean, Mr. LaRue, and Mr. Mardian, although Mr. Mardian has participated to a much lesser extent with me than the others did. My primary contacts on the story were Mr. Dean and Mr. Mitchell.

Mr. DASH. All of these persons that you have named—you finally did arrive at the story and they knew in fact what actually had occurred?

Mr. MAGRUDER. Yes; they did.

Mr. DASH. Could you tell us why the story required that the break-in involvement be cut off at Mr. Liddy and not at you?

Mr. MAGRUDER. Well, there was some discussion about me and I volunteered at one point that maybe I was the guy who ought to take the heat, because it was going to get to me, and we knew that. And I think it was, there were some takers on that, but basically, the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would go higher. Whereas Mr. Liddy, because of his past background, it was felt that that would be believable that Mr. Liddy was truly the one who did originate it. And, of course, it was true, I think, that Mr. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

We felt that was more believable than somebody like myself who did not have any background in this area authorizing these kinds of sums of money and authorizing this type of program when it was known full well throughout the committee and White House that I had no such authority.

Mr. DASH. Now, did you tell this story that was developed to Mr. Parkinson and Mr. O'Brien, who were representing the committee?

Mr. MAGRUDER. After July 4, Mr. Mardian brought Mr. Parkinson into my office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which—you know, at that time, we were dealing in a number of stories, and he said, "No; I want the true story."

I then for 2 hours, I think, told Mr. Parkinson the true story.

Mr. DASH. But later, you then told Mr. O'Brien and Mr. Parkinson the story that had been developed and agreed to by the other parties you mentioned?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. When were you first called before the grand jury, Mr. Magruder?

Mr. MAGRUDER. My first grand jury appearance was July 5, it was just an organizational appearance, in effect, who was who in the committee.

The second appearance was on August 16, which was——

Mr. DASH. Before that appearance, were you interviewed by the Federal Bureau of Investigation?

Mr. MAGRUDER. Yes; immediately after my grand jury appearance, I was interviewed by the Federal Bureau, or soon thereafter.

Mr. DASH. At the time you were interviewed by the FBI, had the story been developed?

Mr. MAGRUDER. We still had not come up with the money amount, but other than that, we basically had developed the guidelines to the story, yes.

Mr. DASH. When you were interviewed by the FBI, did you tell this false story to the FBI?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. You say you were next brought before the grand jury when?

Mr. MAGRUDER. In August, August 18.

Mr. DASH. When you testified to the grand jury that time, did you testify to the false story?

Mr. MAGRUDER. Yes; I did.

Mr. DASH. What role did Mr. Dean play in preparing you for your second grand jury appearance?

Mr. MAGRUDER. On the day before the grand jury appearance, I was aware that I was a target of the grand jury at that time. So, I was briefed by our lawyers and Mr. Mardian. Also, I was interrogated for approximately 2 hours by Mr. Dean and approximately 1/2 hour in a general way by Mr. Mitchell.

Mr. DASH. Now, after you appeared before the grand jury for the second time, did Mr. Dean give you any report?

Mr. MAGRUDER. Yes; the day after Mr. Dean indicated that I would not be indicted.

Mr. DASH. Did he tell you how he knew that?

Mr. MAGRUDER. No; he did not.

Mr. DASH. By the way, were you not aware of Mr. Dean's participation, you were aware, were you not, that Mr. Dean worked in the White House and did report to Mr. Ehrlichman and Mr. Haldeman?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. And I think you yourself, when you testified before us in executive session, indicated that you were familiar with the roles that you played at that time and that Dean played?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. What was your understanding, therefore, when Mr. Dean was working with you prior to your appearance before the second grand jury? Was he doing this on his own, or was he doing it as a representative for other persons in the White House?

Mr. MAGRUDER. Well, again, it is an assumption on my part. I think I should be very careful. He was in a staff role and did report to the gentleman you mentioned. Consequently, you would assume, and I did not know and at no time did I know, that he was directly reporting

Mr. MAGRUDER. I think—I have known Mr. Haldeman for a considerable length of time, I have worked for him. I happen to respect him tremendously, still do, will continue to do, because I think he is an extremely competent and fine individual. But his manner of working, as many of you Senators on the Republican side know, is rather direct, somewhat abrupt. He is not one who engages in long discussions over issues—at least in his working relationship with people who are subordinate to him, which in effect, although I did not work directly under him at that time, I still was. So our discussion was rather short and rather to the point, rather one of, you have got a problem, you had better solve it.

Senator BAKER. And you went back and on June 19, you had a series of meetings with who—with Mr. Mitchell?

Mr. MAGRUDER. Well, on June 19, on the Monday, I met with Gordon Strachan, John Dean, Gordon Liddy, and Hugh Sloan, primarily.

Senator BAKER. Did everyone of those people know what had occurred, how it occurred?

Mr. MAGRUDER. Mr. Strachan did, Mr. Dean did. I do not know whether Mr. Sloan did or not. He has indicated he did not. I accept that at face value. Mr. Liddy, of course, did.

Senator BAKER. When did you first begin planning the coverup?

Mr. MAGRUDER. I think there was no question that the coverup began that Saturday when we realized there was a break-in. I do not think there was ever any discussion that there would not be a coverup. At least, I did not participate in any discussion that indicated anything else except at one point where we possibly thought that I might volunteer to become the key figure in the case.

Senator BAKER. An historic decision to go forward with this plan was followed with another historic decision to cover it up without any great debate or discussion of the matter.

Mr. MAGRUDER. That is correct, sir.

Now, I think to be fair, Senator, I think at that point in time, you have to realize that: One, I felt, and I can't speak for the others, that the President had no knowledge of this plan and consequently, if he had been, if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I honestly thought that his reelection would be probably negated.

Now, at that time—

Senator BAKER. Did it ever occur to you—

Mr. MAGRUDER. I knew it was wrong, but I thought it was the best decision to make.

Senator BAKER. Did it ever occur to you at that time, and I am not saying this to impugn your character or testimony, but I really want to know, did it ever occur to you that there might be other alternatives, that one of them might be to report this directly to the President or to the FBI and make a clean breast of it at that moment, that that might have less effect on the election, rather than more effect—

Mr. MAGRUDER. As I said, we did indicate at one point that we might possibly do that up to a certain point. I think it was felt that if it ever reached Mr. Mitchell before the election, the President would lose the election. Since he was not involved, to my knowledge, I thought that was the best decision. I did not think it was a right decision, but I thought it was the best decision.

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and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re-Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Is that a correct—

Mr. MITCHELL. I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL. I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.

Mr. THOMPSON. Is it just a case of not having asked you the right question?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20, I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories, I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

Mr. MITCHELL. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir, I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them with Mr. Haldeman?

Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?

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Mr. DASH. Mr. Mitchell, Mr. Magruder appeared before the grand jury for his second appearance on August 18, 1972.

Now, your logs, if you have them, show that you saw Mr. Magruder on August 17, the day before, at 2:15, and that on August 18, the day he appeared, you spoke to Mr. Kleindienst at 4 o'clock on the telephone and you saw Mr. Magruder at 4:10, 10 minutes afterwards, on that day.

Can you tell us whether or not the discussion with Mr. Kleindienst at 4 o'clock and the 10 minute later meeting with Mr. Magruder after he testified had to do with his testimony at the grand jury?

Mr. MITCHELL. Mr. Dash, I have talked to Mr. Kleindienst quite a number of times during this period and we have never discussed the Watergate matter in any form or shape or circumstance.

To answer your question specifically with respect to that date and that conversation, no, we did not discuss Mr. Magruder or his testimony.

Mr. DASH. Your meeting with Mr. Magruder both on the 17th and the 18th at 4:10, was that for the purpose of discussing his testimony before the grand jury?

Mr. MITCHELL. I don't have that recollection, Mr. Dash.

Mr. DASH. Do you have any recollection of what the discussion was about?

Mr. MITCHELL. No, sir. As you know from my logs, I met constantly with Mr. Magruder about campaign matters and other things, including the Watergate and the public relations aspect of it. And as I testified earlier, there were meetings in which Mr. Magruder outlined to a group of us the nature of his testimony that he was going to give.

Mr. DASH. It is specifically because of this that I asked you the question, because on a number of occasions, you said, especially during meetings with Mr. Magruder, Mr. Dean, Mr. LaRue, Mr. Mardian, that you did at least have presented to you what Mr. Magruder was going to testify before the grand jury.

Now, on the day he actually testified, you met with him; on the day before he testified, you met with him. Would it not be consistent with your earlier discussions that you would have discussed what his testimony was or was going to be when he finally testified?

Mr. MITCHELL. I think, Mr. Dash, those conversations took place much earlier than the date in August that you have made reference to. If you will look at the logs, you will see, as I say, I met with Mr. Magruder almost daily during the whole period of time on many subject matters.

Mr. DASH. But all the way up to this period of time?

Mr. MITCHELL. Pardon?

Mr. DASH. All the way up to this period of time?

Mr. MITCHELL. And thereafter.

Mr. DASH. Yes; but I would now draw your attention specifically to the day—did you know, by the way, when Mr. Magruder was going to appear before the grand jury?

Mr. MITCHELL. I have no recollection whether I did or did not. I presume I would have been advised, yes.

Mr. DASH. And at the time, whether it was the 17th or 18th, and when you knew that he was going to testify, wouldn't that be an appropriate time for you to discuss what he was going to testify before the grand jury? You certainly were interested?

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Mr. MITCHELL. As I said, Mr. Dash, I believe those conversations took place much earlier than that.

Mr. DASH. I know, but you testified before the committee that you certainly wanted him to testify in such a way that the lid would not come off. You now knew he was going to be testifying. So whatever date you can recall at this time he was going to testify before the grand jury, would you not have discussed the grand jury testimony with him?

Mr. MITCHELL. Mr. Dash, I believe the sequence of events goes back to the time when Mr. Magruder and Mr. Porter went to Mr. Parkinson's office and put together their proposed testimony, which at that time they felt was going to be submitted to the grand jury in deposition form. I think that was the middle of July. It was in that time frame and during or shortly thereafter that the recitation of Mr. Magruder's testimony, of the nature of his testimony, was given. I have no recollection of having sat down with Mr. Magruder the day before, the second day before he went to the grand jury and going over it with him.

Mr. DASH. Well, did you learn what he testified to when he went to the grand jury?

Mr. MITCHELL. I assume that he had testified to what he had told us he was going to testify to.

Mr. DASH. Did you just assume? Didn't anybody tell you what he testified? Didn't you in fact learn that he did testify as he did, what he had been agreeing to testify to?

Mr. MITCHELL. I believe, Mr. Dash, if my memory serves me right, that he was debriefed by one of the lawyers who advised me as to what he testified to.

Mr. DASH. So in fact, you did learn?

Mr. MITCHELL. I did learn.

Mr. DASH. Now, he again testified before the grand jury on September 13 and at that time, it dealt with his diaries and the meeting that he had with you. Now, you saw Mr. Magruder, according to your log, Mr. Magruder and Mr. Dean, at 12 o'clock on that day. Did you have any discussions with him about his grand jury testimony on September 13?

Mr. MITCHELL. On September 13?

Mr. DASH. September 13 is when he appeared for his third and final time.

Mr. MITCHELL. Yes; I testified, I believe, on Monday to the fact that Mr. Dean, Mr. Magruder, and I rather briefly discussed the recollection of the meetings that had taken place in the Justice Department.

Mr. DASH. And what did Mr. Magruder, to your knowledge, tell you that his recollection or his testimony was going to be?

Mr. MITCHELL. Well, if I can recall it as best I can, No. 1, that he thought that one of the meetings had been canceled; No. 2, that there were discussions of the election laws, which, of course, they both testified there were. I think those were the essential parts of it.

Mr. DASH. What was your response to that? Did you respond to his recollection of what his testimony was going to be?

Mr. MITCHELL. I have no recollection of that, Mr. Dash.

Mr. DASH. Well, did you disagree with him?

Mr. MITCHELL. I didn't disagree with it, no, I did not.

Mr. Mitchell -- Thursday, August 17, 1972

9:30 Mr. M arrived at office

9:35 Mr. M ret. C. D. Ward's call and t.

10:15 Mr. R. B. Russell called Mr. M and t.

10:20 Mr. M SAW Fred Malek and Gordon Gooch

11:10 Mr. M SAW Cong. Hamerschmidt

12:00 Mr. M called John Dean and t.

12:30 Mr. M SAW Bob Mardian

[2:15 Mr. M SAW Jeb Magruder

2:25 Mr. Stans called Mr. M and t.

2:40 Mr. M SAW Roemer McFee, Bob Mardian ✓
and Paul O'Brian

3:30 Mr. M called Mr. MacGregor and t.

3:40 Mr. M SAW Van Shumway

3:45 Mr. Ehrlichman called Mr. M and t.

4:00 Mr. Mardian called Mr. M and t.

4:15 Mr. M called John Alexander and t.

4:25 John Dean called Mr. M and t.

4:40 Mr. Mahoney called Mr. M and t.

4:45 Mr. M called Gov. Rockefeller and t.

5:10 Dan Mahoney called Mr. M and t.

5:20 C. D. Ward ret. Mr. M's call and t.

5:30 Mr. M SAW Mr. Mardian

6:00 Mr. M left office

might not stand up if indicted. I recall Haldeman asking me if I thought Magruder would stand up if indicted and I said no. I have always assumed it was a Presidential decision to keep Magruder on at the reelection committee. Following the decision, Ehrlichman and Haldeman indicated a greatly increased interest in Magruder's problems. They were aware of the strategy to stop the involvement at Liddy, because I reported to them on the story that Magruder would tell, that is, that he did not know what Liddy was doing. They frequently asked me how Magruder was doing in relationship to the FBI and grand jury investigation. I also had calls from Mr. Larry Higby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testimony, but I did not know that it had already been formulated when I first heard it. I informed Haldeman and Ehrlichman of the story. We discussed it and no one was sure it would hold up. This discussion did occur before Mitchell resigned. We, of course, knew that it was a fabricated story. When I later learned that Mr. Porter would corroborate Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of that. I had never heard Mr. Magruder's story in full detail until just before his grand jury appearance, in mid-August 1972, when he asked me if I would be a devil's advocate and question him before he went before the grand jury. Magruder came to my office, as I recall, the day before his second grand jury appearance. He told me he had made the decision himself as to how he was going to handle his testimony and wanted me to ask him any and all questions I could think of. I spent about an hour or more questioning him. Shortly after I had this session with Magruder, Higby called me to tell me that Magruder had been to see him, to let Haldeman know he was ready.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen, who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him, and subsequently informed Mitchell and Magruder. I recall that Haldeman was very pleased, because this, of course, meant that the investigation would not go beyond Liddy.

In early September Paul O'Brien came to my office and informed me that there was an outstanding subpoena for Magruder's diary. O'Brien said that Magruder's diary reflected the meetings in Mitchell's office in January and February with Liddy, Magruder, Dean, and Mitchell. O'Brien also informed me that there had been discussion of destroying or altering the diary, but he did not think much of that. I agreed that to alter it would be impossible because it would be discovered by the FBI laboratory.

I remember talking with Magruder and asking him why he kept a diary—being somewhat facetious. I told Magruder that he should talk with Mr. Mitchell about this, because he was probably going to have to turn the diary over.

Long before the matter of Magruder's diary had arisen, I had talked with Mitchell about the meetings in January and February in his office. I told him that should it ever be necessary, I would testify that I knew that he had not approved anything at these meetings. It was after the matter of Magruder's diary being subpoenaed and Magruder again being recalled to the grand jury that Mitchell requested that I

Mr. EHRLICHMAN. I think he described to me that it was a business—my impression was it was two people and they were in California and that was all the description that I think I had.

Mr. DASH. Did that raise any problem in your mind that maybe Mr. Kalmbach was going to campaign contributors for defense funds?

Mr. EHRLICHMAN. No. I didn't connect the two, I don't believe.

Mr. DASH. All right. Now, after June 17, the date of the break-in, what information did you have, Mr. Ehrlichman, about Mr. Magruder's involvement in the Watergate? Shortly after.

Mr. EHRLICHMAN. There was a lot of—there was a lot of suspicion shortly after and I would put this in, say, the first 6 weeks after the break-in, a good deal of suspicion of Mr. Magruder largely based on what Mr. Sloan was saying to people, and so there was a good deal of speculation that I can recall during that—during that period of time and it culminated in the conversation which Mr. Dean and I had with the Attorney General on July 31, where this was specifically discussed; that is, Mr. Magruder's involvement. The Attorney General said based on the FBI interviews and prosecuting attorneys' examination into Mr. Magruder's involvement, that it appeared that any involvement that he had related to money and there was a square dispute between Mr. Magruder and Mr. Sloan as to the truth of the assertion about Mr. Magruder's involvement, and that the Attorney General anticipated that Mr. Magruder might possibly be going to take the fifth amendment before the grand jury.

Now, that remained the open question, so far as I knew, until Dean or someone told me that Magruder had in fact testified to the grand jury, and then as matters unfolded, he testified at the trial and he was considered to have told the truth and he came out, sort of the—out of the shadow at that point.

Mr. DASH. All right. But were you aware that during this period of time, the end of June, July, and August, that Mr. Mitchell, Mr. LaRue, Mr. Mardian, Mr. Magruder, Mr. Dean, were in frequent meetings, daily meetings, discussing the fact that Magruder's involvement—

Mr. EHRLICHMAN. No.

Mr. DASH [continuing]. And the fact that Magruder was going to tell a particular story to the grand jury?

Mr. EHRLICHMAN. No, I was not.

Mr. DASH. Mr. Dean has testified he acted as a liaison and he did inform you.

Mr. EHRLICHMAN. Yes, well, that is not correct.

Mr. DASH. As a matter of fact, if he had, it would not be inconsistent with the meeting in the presence of the Attorney General, where the Attorney General reported there was nothing of Mr. Dean's being silent, if in fact, Dean was involved in a coverup, I take it he would not let the Attorney General know about it.

Mr. EHRLICHMAN. Would you repeat that question?

Mr. DASH. I was saying, you said the only time you had any clear understanding, at least the Attorney General's understanding of Mr. Magruder's involvement, was when he met with you and Mr. Dean and told him there was no involvement. Is that true?

Mr. EHRLICHMAN. Mr. Magruder and—

Mr. DASH. The Attorney General.

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Mr. EHRLICHMAN [continuing]. Mr. Magruder and the Attorney General met with Mr. Dean and me.

Mr. DASH. Yes.

Mr. EHRLICHMAN. I don't recall any such meeting.

Mr. DASH. You did say the Attorney General reported to you concerning Mr. Magruder, did you not?

Mr. EHRLICHMAN. Yes.

Mr. DASH. And what did he tell you?

Mr. EHRLICHMAN. Just what I just testified, that they considered it an important conflict in the evidence as between Sloan and Magruder, and the way it looked to the Attorney General at that point in time, Mr. Magruder might take the fifth amendment.

Mr. DASH. Now, you were aware that on September 15 the indictment came down on the so-called seven defendants?

Mr. EHRLICHMAN. Yes.

Mr. DASH. You had a meeting with Mr. Haldeman on September 15. Did you discuss the indictment at that time?

Mr. EHRLICHMAN. Well, I did not have any extraordinary meeting with Mr. Haldeman on the 15th. That would have been just the early morning staff meeting, I assume, which would have included all of the department heads in the White House.

Mr. DASH. What time was that meeting?

Mr. EHRLICHMAN. 8 or 8:15 in the morning.

Mr. DASH. I think the diary we have on you shows a meeting of 11 in the morning. Does your diary show that?

Mr. EHRLICHMAN. Let me check. You are correct. I do not know the purpose of that meeting, Mr. Dash. I have no idea. The indictments, however, the market around the White House sort of discounted that September 15 action, so to speak, by reason of the Attorney General's announcement of September 12 to the President and the Cabinet, to some of us assembled, that the seven suspects were the only ones who would be indicted. So I do not think the announcement on—the formal announcement on the 15th was in fact any news to discuss.

Mr. DASH. When did you first learn of Mr. Segretti's activities and the possible role of Mr. Chapin in those activities?

Mr. EHRLICHMAN. I think that was at the time it first began to be talked about in the press. I had not heard of Segretti as an individual prior to that time.

Mr. DASH. Then, did you hold any meetings involving that incident?

Mr. EHRLICHMAN. Involving what incident?

Mr. DASH. Mr. Chapin's role in the Segretti matter.

Mr. EHRLICHMAN. There were a number of meetings to determine what the White House news position or press position should be on that, yes.

Mr. DASH. Did you, as a result of those meetings, learn about Mr. Chapin's role with Mr. Segretti?

Mr. EHRLICHMAN. I am not sure that I learned about them in those meetings as such, but I did begin to learn more at the end of October and the first couple weeks of November, yes.

Mr. DASH. Did you participate in the preparation of the public statements concerning Mr. Chapin's role?

Mr. EHRLICHMAN. Yes, I did.

23. On August 28, 1972 Egil Krogh, an assistant to Ehrlichman who had established the Plumbers organization (the White House Special Investigations Unit) appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled to any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 85-7-73
)	
EGIL KROGH, JR.)	Violation of 18 U.S.C. §1623
)	(False declarations)
Defendant.)	

INDICTMENT

COUNT ONE

The Grand Jury Charges:

1. On or about August 28, 1972, in the District of Columbia, EGIL KROGH, JR., the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before and ancillary to a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said Grand Jury was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. 371, 2511, and 22 D.C. Code 1801(b) and other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, or conspired to commit such violations.

3. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by E. Howard Hunt, Jr., a subject of the investigation, while he was employed at the White House during 1971 and 1972, and the identity of the individual or individuals who directed those activities.

4. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare with respect to the material matter alleged in paragraph 3 as follows:

Q. I see. Do you have any knowledge of any travel that Mr. Hunt made in connection with the declassification of the "Pentagon Papers" or the narcotics program that he was working with you on?

A. I'm aware of the trip to Texas that he took, but other travel, no.

Q. During any other period while Mr. Hunt was working at the White House, which would have been through, I believe, the end of March, 1972, are you aware of any travel that he made for the White House?

A. No, I'm not.

Q. Are you aware of any travel that Mr. Hunt made, whether he made it for himself personally, or for any other person?

A. No, I'm not.

5. The underscored portions of the declarations quoted in paragraph 4, made by the DEFENDANT, as he then and there

well knew, were false.

All in violation of Title 18, United States Code,
Section 1623.

COUNT TWO

The Grand Jury further charges:

1. The Grand Jury realleges all of the allegations of paragraphs 1 and 2 of Count One of this indictment.

2. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by G. Gordon Liddy, a subject of the investigation, while he was employed at the White House during 1971, and the identity of the individual or individuals who directed those activities.

3. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare with respect to the material matter alleged in paragraph 2 as follows:

Q. Now, what travel did Mr. Liddy do while he was at the White House that you're aware of?

A. He made a trip to California for me on some customs matters, customs issues on narcotics, which was more of an in-house watchdog-type of trip to determine the effectiveness of the program out there.

He had been involved in developing Operation Intercept in 1969, which pretty much was located out of the Los Angeles area, Terminal Island.

And this was an out date, so to speak, on how things were going in Los Angeles area.

Q. Now, he was supposed to contact
custom officials in the Los Angeles --

A. That was my understanding, but he did
not give me an itinerary of --

Q. Was there a report filed by him with
you of the trip?

A. No, just an oral report.

Q. Oral?

A. Right.

Q. Now, do you know of any other travel
that Mr. Liddy might have performed --

A. No.

Q. -- for the White House or for anyone
else, or for himself?

A. No.

* * * *

Q. Other than this one trip to California,
can you think of any reason why he would have
had to travel to California for the White House?

A. No.

4. The underscored portions of the declarations quoted
in paragraph 3 made by the DEFENDANT, as he then and there
well knew, were false.

All in violation of Title 18, United States Code,
Section 1623.

A True Bill

Archibald Cox
ARCHIBALD COX
Special Prosecutor

John G. Murphy
Foreman

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 857-73
)	
EGIL KROGH, JR.,)	Violation of 18 U.S.C.
)	§241 (Conspiracy
Defendant.)	Against Rights of
)	Citizens)

INFORMATION

The United States of America, by its Attorney,
the Special Prosecutor, Watergate Special Prosecution
Force, charges:

1. From on or about July 1, 1971 to on or about
May 25, 1973, EGIL KROGH, JR., the DEFENDANT, was an
officer and employee of the United States Government,
first as Deputy Assistant for Domestic Affairs to the
President of the United States, and later as Under
Secretary of Transportation.

2. At all times material herein DEFENDANT and
various other co-conspirators unnamed herein, were
officials and employees of the United States Govern-
ment and were acting in that capacity.

3. From on or about July 1, 1971 to the present,
in the District of Columbia and elsewhere, the
DEFENDANT, unlawfully, willfully and knowingly did
combine, conspire, confederate and agree with the
co-conspirators to injure, oppress, threaten, and
intimidate Dr. Lewis J. Fielding, a citizen of the
United States, in the free exercise and enjoyment
of a right and privilege secured to him by the
Constitution and laws of the United States and to
conceal such activities.

4. It was a part of the conspiracy that the DEFENDANT and the co-conspirators would, without legal process, probable cause, search warrant, or other lawful authority, enter the building and offices of Dr. Lewis J. Fielding located at 450 North Bedford Drive, Beverly Hills, Los Angeles County, California, with intent to search for, examine, and photograph documents and records containing confidential information concerning Daniel Ellsberg, and thereby injure, oppress, threaten and intimidate Dr. Lewis J. Fielding in the free exercise and enjoyment of the right and privilege secured to him by the Fourth Amendment to the Constitution of the United States to be secure in his person, house, papers and effects against unreasonable searches and seizures.

5. It was further a part of the conspiracy that with DEFENDANT'S knowledge, consent, approval and assistance, two of the co-conspirators would and did travel to California on or about August 25, 1971 for the purpose of preparing to carry out and implement the plan and scheme.

6. It was further a part of the conspiracy that with DEFENDANT'S knowledge, consent, approval and assistance, five of the co-conspirators would and did travel to California on or about September 1, 1971 for the purpose of implementing and carrying out the plan and scheme, and did without legal process, probable cause, search warrant or other lawful authority, covertly and unlawfully enter and cause to be entered the offices of Dr. Lewis J. Fielding located in Beverly Hills, California, and did unlawfully search and cause to be searched the premises therein.

7. In furtherance of, and in order to effectuate the objects of the conspiracy, the DEFENDANT and the co-conspira-

tors did perform and did cause to be performed the following overt acts, among others, in the District of Columbia:

OVERT ACTS

1. On or about August 11, 1971, the DEFENDANT sent a memorandum to an official of the United States Government.

2. On or after August 11, 1971, the DEFENDANT had a conversation with an official of the United States Government.

3. On or after August 27, 1971, the DEFENDANT met with E. Howard Hunt, Jr., and an official of the United States Government.

4. On or about August 30, 1971, the DEFENDANT had a telephone conversation with an official of the United States Government.

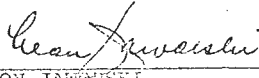
5. On or about September 1, 1971, an official of the United States Government caused the delivery of a sum of cash to the DEFENDANT.

6. On or about September 1, 1971, the DEFENDANT caused a sum of cash to be delivered to an official of the United States Government.

7. On or about September 7, 1971, the DEFENDANT had a conversation with an official of the United States Government.

8. On or about August 28, 1972, the DEFENDANT testified under oath.

(In violation of Title 18, United States Code, Section 241.)



LEON JAWORSKI
Special Prosecutor
Watergate Special Prosecution
Force

United States District Court for the District of Columbia

DATE		PROCEEDINGS
9730oct	11	INDICTMENT FILED (2 Counts) ORDER assigning case to Judge Gerhard A. Gesell for all purposes. SIRICA, C.J. (N)
9730oct	18	APPEARANCE of William H. Merrill, Philip J. Bakes and Charles R. Bryer, Dept. of Justice, 1425 K St., entered as Govt. counsel. ARRAIGNED: Deft. handed copy of indictment. Plea Not Guilty. Motion of deft. for release on personal recognizance, heard and granted. Hearing on motions set for 11-13-73 at 2:00 p.m. Envelope containing police reports sealed and filed by direction of the Court. Order signed releasing deft. on personal recognizance. GESELL, J. Rep: I. Watson S. Shulman, Atty. ORDER for release on personal recognizance with conditions. GESELL, J. Deft. released from Court.
9730oct	31	✓ MOTION for discovery;P/A;C/S ✓ MOTION to dismiss indictment, Exhibit A;C/S;P/A ✓ MOTION to consolidate counts;C/S;P/A ✓ MOTION for transfer on ground of Prejudicial pretrial publicity; Affidavit;C/S;Exhibits 1 thru 85;P/A

FPI--SC--7-7Q-77--2Mf--Q114

Railway Labor Dispute

*Announcement of Report of Emergency Board
Investigating Disputes Between Railroads Represented
by the National Railway Labor Conference and Certain
Employees. November 3, 1969*

The President today released the report of Presidential Emergency Board No. 176. The Board was created October 3, 1969, to investigate disputes between the Nation's railroads represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, the Sheet Metal Workers' International Association, and the International Brotherhood of Boiler-makers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. The dispute involves approximately 48,000 shop-craft mechanics, their helpers and apprentices.

The Board recommended the establishment of a new Class I mechanics' rate at least 20 cents per hour above the regular mechanics' rate to be paid to mechanics performing the most highly skilled and responsible assignments. The Board stated that the parties should negotiate concerning the assignments to which the higher rate should be applicable, and suggested as a general guide that the rate should apply to from 15 to 25 percent of the mechanics on each railroad. Railroad mechanics currently earn about \$3.60 per hour.

The Board further recommended continued bargaining on proposed changes in certain work rules to obtain cost savings in equipment maintenance and repair, and in other areas. Savings resulting from meaningful rule changes should provide the basis, the Board said, for further wage adjustments. In addition, the Board recommended general wage increases for all employees in the amounts of 2 percent, effective January 1, 1969, and 3 percent, effective July 1, 1969.

The Board urged a review and study of the Railway Labor Act to consider possible revisions; and that the railroads and unions consider revision of their bargaining structure. The Board concluded that "Serious and difficult negotiations will be required to face realistically the issues remaining and particularly the monetary implications of rule changes. The Board is confident, nevertheless, that a framework of agreement has been erected."

The Board was composed of Ralph T. Seward, attorney and arbitrator, Washington, D.C., Chairman; Robert G. Howlett, attorney and Chairman of the Michigan Employment Relations Commission, Grand Rapids, Mich.; and Professor E. Robert Livernash, Graduate School of Business Administration, Harvard University, Cambridge, Mass.

Under the provisions of the Railway Labor Act, the parties must maintain the "status quo" for a period of 30 days following the Board's report.

NOTE: For Executive Order 11486, creating the Emergency Board, and lists of the railroads and labor organizations involved, see page 1358 of this volume of the Weekly Compilation of Presidential Documents.

The President's Staff

*Announcement of Appointments of Bryce Harlow and
Dr. Daniel P. Moynihan as Counsellors to the President
and of John Ehrlichman as Assistant to the President for
Domestic Affairs, and Assignments in the Domestic
Affairs Staff. November 4, 1969*

The President today appointed Bryce Harlow and Dr. Daniel P. Moynihan to be Counsellors to the President, with Cabinet rank.

Harlow, who was the first man appointed by Mr. Nixon to the White House staff after the 1968 elections, will continue policy guidance of congressional relations but will be freed from day-to-day operational detail to be more available to the President for counsel on the entire spectrum of national affairs.

Moynihan, who now heads the staff of the Urban Affairs Council, will continue his policy guidance in urban problems, but will be able to apply his demonstrated innovative flair to the full range of domestic policy development.

The operational responsibilities presently carried by Mr. Harlow will in time be assumed by a new Assistant to the President for Congressional Relations, and similarly a new executive secretary of the Urban Affairs Council will be designated in the near future.

In addition, a new post has been created: Assistant to the President for Domestic Affairs. John Ehrlichman, who has been Counsel to the President, has been named to this position, which will be roughly equivalent in domestic matters to the position held by Dr. Henry Kissinger in national security affairs.

The Assistant to the President for Domestic Affairs will advise the President on domestic policy and be responsible for White House operations in all substantive matters concerning domestic affairs. The title of Counsel to the President will no longer be used.

The domestic affairs staff, which has been experimenting with a management procedure that forms specific project groups to conduct research and present policy options to the President, will now formalize this "mission" approach. Units will be created consisting of departmental and agency experts as well as White House and

Bureau of the Budget personnel, and will disband upon completion of each assignment.

Five staff members will assume responsibility for supervision of these temporary units. They are: John C. Whitaker, Egil Krogh, Edward Morgan, and Henry Cashen II, all appointed Deputy Assistants to the President for Domestic Affairs, and Leonard Garment, Special Consultant to the President.

Kenneth Cole, Deputy Assistant to the President, will be responsible for the administration of the Domestic Affairs staff.

Richard Burruss, Deputy Assistant to the President for Domestic Affairs, will serve the domestic policy staff as legislative specialist. His office will provide technical assistance to the staff and work with the Congressional Relations office in furthering the progress of the administration's legislative program.

Significance of Changes

The timing: The staff reordering takes place exactly 1 year after the President's election and is coordinated with the move of Dr. Arthur Burns, now Counsellor to the President, to the Federal Reserve Board, January 31.

The need for counsellors: The structure of any White House staff must be framed to suit the requirements of the individual President it serves; organizations will differ because Presidential methods differ.

From the start, President Nixon determined to have one or more "Counsellors"—men who were deeply versed in the ways of governments and, most important, whose judgment he respected and whose long-range vision for the Nation was similar to his own.

The function of a Counsellor is to anticipate events, to think through the consequences of current trends, to question conventional wisdom, to address fundamentals, and to stimulate long-range innovation.

This cannot ordinarily be done by people burdened with operational responsibilities. It also is more likely to be done in a practical manner by men who have recently shouldered those responsibilities—whose service on the firing line endows them with an understanding of the obstacles and opportunities.

Mr. Harlow brings to the President 31 years of government service and a unique understanding not only of the ways of Congress but of the workings of the entire political system. Dr. Moynihan, with experience in two different previous administrations, is a scholar who breaks new ground in thought and is a public servant who has shown his ability to create new programs of action.

Though both men were born in Oklahoma, they grew up in different regions; one is softspoken, the other rather outspoken; one is 5 feet 4 inches, the other 6 feet 5 inches. However different in background and style, both Counsellors share the President's trust in their judgment and soon will become much more available to him for discussion and counsel.

The exercise of that judgment, invaluable to a chief executive, will be strengthened by their freedom from line operations and their increased availability to the President.

The Evolution of the Domestic Affairs Staff:

Dr. Burns' appointment to the Federal Reserve Board was long planned. His staff had worked closely with members of the Counsel's staff, Dr. Moynihan's staff, and others on "special project teams" that helped develop legislative proposals. It has been contemplated for some time that these staffs would be fitted into a permanent Domestic Affairs team.

Advice and policy guidance will be channeled to the Domestic Affairs staff from the Urban Affairs Council, the Cabinet Committee on Economic Policy, the Environmental Quality Council, and the Counsellors to the President, as well as the departments and agencies.

In this manner, the President has developed his own way of formulating policy on the domestic side, similar to the method he adopted earlier in matters dealing with the national security.

Assistant to the President Peter Flanigan will continue in that capacity and will, in addition to his other duties, exercise supervision over some of the domestic affairs project groups.

The White House staff operation under H. R. Halde- man will work with the new Domestic Affairs group in essentially the same way as with the National Security Affairs group—making certain the President has full information, that his time is efficiently utilized and that his orders are carried out.

National Program for Voluntary Action

Statement by the President Announcing the Creation of a National Center for Voluntary Action.
November 4, 1969

From the beginning of our country, Americans have worked together voluntarily to help master common needs and problems. A major goal of this administration is to recognize and enlist the energies and resources of the people themselves, as well as government, in a renewal of this historic American approach. To further that goal, I announced last March the initial steps in building a National Program for Voluntary Action.

For the past 6 months, my Special Consultant on Voluntary Action, Max M. Fisher of Detroit, and Secretary Romney of the Department of Housing and Urban Development, Chairman of the Cabinet Committee on Voluntary Action, have been developing the National Program. It is based on three assumptions:

1. Many Americans would like to start working as volunteers on community problems. A recent survey reported that two-thirds of us were willing to volunteer regularly if shown something worthwhile to do.

Committee, including the chairman, on which reports have been requested of the Department only to encounter delay in developing a position between the Department of Transportation and the White House.

It then has been my rather unpleasant task to have the Secretary call me up and ask me to go to the chairman of the committee to ask him to defer hearings or reopen hearings or defer actions until the people downtown—namely, the Department and the White House—can develop a position on pending legislation. The chairman has been most patient with me whenever he could, but there is a limit.

Therefore, for my own personal peace of mind, as well as the more important aspect of trying to work together and accomplish something, I am delighted to hear you say that you are going to work with us in advance. I hope your presence in the Department and your relations as having come from the White House staff, will enable us to get the position of the administration so as to be able to give it consideration early and with reasonable promptness. I hope you will dedicate yourself, among other things, to that end.

Mr. KROGH. I will do that, Senator Cotton.

The CHAIRMAN. Now, if the other members of the committee will wait a little bit for general questions on the Department itself, I would like to proceed with another matter here and discuss that first.

Is that all right with members of the committee? All right.

Now, Mr. Krogh, because of your alleged associations with Mr. Liddy and Mr. Hunt, two persons now standing trial for their involvement in the so-called Watergate case. I would like to ask certain questions of you in order to determine: (1) Whether you were associated with Mr. Liddy and Mr. Hunt, and (2) if so, the nature and the duration of that association in order to ascertain whether there is anything in your previous record of Government service that would reflect negatively on your qualifications to be Under Secretary of Transportation. Now, do you have any objections to pursuing such questions?

Mr. KROGH. No, sir; I do not.

The CHAIRMAN. Do you have any objections to being sworn?

Mr. KROGH. No, sir; I do not.

The CHAIRMAN. All right. If you will stand and raise your right hand, Mr. Krogh. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. KROGH. I do.

The CHAIRMAN. Now, I have certain questions and the committee members may want to follow through with them if they wish, but I think they will lay the foundation for the testimony you are about to give.

The first question is, Mr. Krogh, have you been associated with Mr. Liddy and Mr. Hunt?

Mr. KROGH. Yes, sir; I have.

The CHAIRMAN. Were Mr. Hunt and Mr. Liddy members of the so-called, and I use this term advisedly, Plumbers Organization as it is commonly known?

Mr. KROGH. Yes, sir; they were.

The CHAIRMAN. And what are the plumbers?

Mr. KROGH. The plumbers was a group that was put together for the purpose of doing what it could to prevent the unauthorized disclosure of sensitive, classified national security information.

The CHAIRMAN. Who established the organization?

Mr. KROGH. The organization was established by Mr. Young of the National Security Council staff and myself pursuant to instructions from Mr. Ehrlichman.

The CHAIRMAN. Yes. Now, how did it come by the name "plumbers"? I see the newspapers use that frequently.

Mr. KROGH. Yes, sir. Mr. Young was, as I remember, talking to his mother or his mother-in-law one night, and she asked him what he was doing at the White House, and he said that he was trying to do what he could to plug leaks of sensitive information, and she said, "Well, we have a carpenter in the family. It's nice to have a plumber, too," and from that point on the group became known as the plumbers.

The CHAIRMAN. Why were you selected to participate in this organization? Can you give us any background on that?

Mr. KROGH. Yes, sir. During the first 2 years I was particularly involved in work with the FBI, other law enforcement matters, and I had some familiarity with the internal security system in the Federal Government.

The CHAIRMAN. Let me explore how precisely you became associated with Mr. Liddy and Mr. Hunt, and I could ask these questions: If you know, who retained Mr. Liddy?

Mr. KROGH. I did.

The CHAIRMAN. You did. And how was he known to you?

Mr. KROGH. He was known to me as an attorney in the Department of the Treasury where he had worked on narcotics control issues.

The CHAIRMAN. Who retained Mr. Hunt, if you know?

Mr. KROGH. Mr. Young and I retained Mr. Hunt.

The CHAIRMAN. Who recommended Mr. Hunt to you?

Mr. KROGH. He was recommended to us by Mr. Charles Colson, counselor to the President.

The CHAIRMAN. What is that name, again?

Mr. KROGH. Charles Colson.

The CHAIRMAN. How were Mr. Liddy and Mr. Hunt compensated for their services, if you know?

Mr. KROGH. Mr. Liddy, as I remember, was compensated from the Domestic Council payroll, and Mr. Hunt was a White House consultant.

The CHAIRMAN. Now, when you speak of the Domestic Council payroll, that means the payroll within the White House; is that correct?

Mr. KROGH. Yes, sir.

The CHAIRMAN. Mr. Ehrlichman's payroll?

Mr. KROGH. Yes, sir; that's correct.

The CHAIRMAN. Now—

Senator COTTON. Excuse me, but did you say Mr. Hunt was a counselor to the White House?

Mr. KROGH. No, sir. Mr. Colson was counsel to the President.

Senator COTTON. Yes; but you also said something about Mr. Hunt's capacity?

Mr. KROGH. A consultant.

Senator COTTON. A consultant, pardon me. That's what I meant, consultant. You mean by that that he received a per diem or was he on regular compensation?

Mr. KROGH. Sir, I don't know exactly what the form of payment was to Mr. Hunt.

24. In the summer of 1972 Dwight Chapin, the President's appointments secretary, met with Donald Segretti. Segretti, whom Chapin had employed to disrupt the campaigns of candidates for the Democratic presidential nomination, had previously been questioned by the grand jury investigating the Watergate break-in and by the FBI. Segretti has testified:

Mr. Chapin told me to cease all activities. I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over. Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems, with the FBI and the grand jury appearance . . .

The amount involved was several thousand dollars. They also discussed the possibility of Chapin's finding Segretti a job.

Page

24.1	Memorandum from Dwight Chapin, November 5, 1972, Exhibit 32, <u>United States v. Chapin</u> transcript, April 3, 1974, 424-31.....	328
24.2	Donald Segretti testimony, <u>United States v. Chapin</u> , April 2, 1974, 338-40.....	336
24.3	Dwight Chapin testimony, <u>United States v. Chapin</u> , April 3, 1974, 540, 543.....	339

THE WITNESS: Yes, it did. It meant that it would have very restricted distribution and really only to those people it was distributed to.

THE COURT: In other words, it was not to be sent on by the people who got it; is that what you are saying?

THE WITNESS: Well, not quite.

THE COURT: What did, "Eyes Only" mean?

THE WITNESS: I was never sure.

THE COURT: All right. That is a good answer.

BY MR. RUANE:

Q Mr. Dean, I show you what has been marked for identification purposes Government Exhibit 32.

Would you identify that, if you can?

A Yes, I can identify it.

Q Tell us what this is, please?

A This is the original of the same document which I received in November, early November, that was given to me by Mr. Chapin at the time he was leaving the White House staff in the spring of 1973, when he brought over a whole packet of materials that related to this matter.

Q Now, is there handwriting on that document?

A Yes, there is.

Q Is that your handwriting?

A No, it is not.

MR. RUANE: I offer Exhibit 32 in evidence.

MR. STEIN: No objection,

THE COURT: It may be received.

(Whereupon, original of Chapin
memorandum dated November 5, 1972
was marked Government's Exhibit
No. 32, and received in evidence.)

BY MR. RUANE:

Q Mr. Dean, have you ever pleaded guilty to a crime?

A Yes, I have.

Q When was that, sir?

A October 19, 1973.

Q Where did you plead?

A Here in the District of Columbia.

Q District of Columbia Federal Court?

A That is correct.

Q What was that crime?

A The crime of obstruction of justice.

Q Is that a conspiracy to obstruct justice?

A Conspiracy to ostruct justice, that is correct.

THE COURT: I again remind you, ladies and gentlemen,
of my instruction with respect to this aspect of any prior
conviction. That bears on credibility and I will be instructing
you fully on that later.

MR. RUANE: Your Honor, if I may, I would like to
publish Exhibit 32.

THE COURT: You may.

MR. RUANE: This is a document and in the upper right-hand corner its says, "Eyes Only."

It is dated, November 5, 1972.

It is titled, "Chronology of Activity."

"1. September (?) 1971-Chapin phones Segretti in Monterey, California and asks him to fly to Washington. Meets with Chapin and Strachan. Don was still in the military. We discussed his becoming an agent for us during the coming political campaign. We were after information as to schedules of candidates, people who could infiltrate headquarters, could ask embarrassing questions and could organize counter demonstrations to those we expected our opposition to come forth with during the campaign.

"2. Don returned to Monterey. A few days later he phoned to say he was interested.

"3. Gordon Strachan brought the subject to the attention of blank and Kalmbach at a White House meeting. It was approved for Segretti to be hired. I did not know the amount or the conditions of the salary.

"4. Don got out of the Service. He then began moving around the country making contact with

people whom he felt he could trust.

"5. Approximately a half dozen times he came to Washington and we would meet at lunch or dinner. Generally he would review where he had people. Don never used names. I didn't want to know who the people were and told him so.

"I constantly urged him to be discreet, to use double and triple identification backstops, for mail, phone calls and in terms of contacts. On one occasion we met in Portland, Oregon. I had told Don to go there to watch a Presidential stop and to note how the demonstrators organized against us.

"6. The bulk of my contact was between September 1971 and January 1, 1972."

Then there is handwriting.

At this time, I would like to read a stipulation agreed to by all counsel:

That all the handwriting on Government Exhibit 32 is that of the Defendant Dwight L. Chapin, except the following: The word, "Gordon," on Page 1. The word, "Dean," on Page 6; and the letter, "S" on Page 6.

"October of 1971 was for the most part occupied by China. I may have had phone contact during October.

"7. In January or February, Liddy reported to

Strachan there was an agent in the field who they couldn't determine and "they" were going to go after him. Strachan checked two people (blank and blank) and then Don was advised to report to Liddy. That is how his phone number got in Liddy's book and how his existence was later discovered by the FBI.

"8. Don made one mistake when during the December he moved into New Hampshire in too public a way. He went to Allan Walker and tried to buffalo him. We (Gordon and Chapin) were alerted and I yanked him to Washington. He became much more careful after the episode. But it was the time I should have fired him.

"9. The bulk of Don's activity was in Florida. He had some girl agent in Muskie's State Headquarters. He also had plants in the headquarters of Jackson and Humphrey.

"Don was responsible for the anti-Muskie radio ads on a Cuban radio station placed by 'A Jackson person.'

"It is my feeling Don did the 'Sex News Release' on Jackson and Humphrey and tried to tie it to Muskie's people. I say 'feeling' since one day the release came through the mail

to my home. There was no letter with it. I suspect Don did it.

"Don put the stink bombs in the Muskie Tampa Headquarters. The Muskie people blamed Jackson's troops.

"He also put out countless press releases about events, scheduled and non-scheduled. In addition, he would put out issue papers especially on busing.

"Many times he would run classified ads for 'blacks' to work in Muskie headquarters.

"I believe it was Don who had cards passed out at Wallace rallies. They said, 'If you liked Adolf Hitler, you'll love George Wallace.'

'Vote Muskie' or something identifying Muskie people was on the other side of the card.

"10. Don sent via mail to my residence clippings or little notes--never signed. They were usually campaign hoax satires. This was the main way he 'reported.'"

And then in handwriting, it says:

"Many times I didn't even open..." -- there is a question mark above the word, "open" -- ... the envelopes.

"11. In January, February, May and June, I

was very involved in the foreign travel and had little and sometimes no contact with Don.

"12. When the Watergate broke, we told Don to get lost. I believe Herb settled with him for salary through the year. I am not sure on this point."

And then, in parenthesis, in handwriting, which has been stipulated:

"He may have been paid by April 7th."

"13. In July or August, Segretti called to say the FBI had called. He called me minutes after they called him. (Maybe they went to his home.) I contacted Gordon who checked Dean.

"14. Instructions to Segretti from that point on were handled by..." --

And then the word, "Don" is crossed out and above it is written, "Dean."

"Don came to Washington and met with Dean and Gordon S.

"15. In July, after Don had been interviewed by the FBI when I was in California to work on the Wolper films, I had lunch with Segretti. We talked of his going away, keeping quiet. He mentioned he might get some legal advice from Young. I urged him to be careful. In addition, I told him to

destroy all records."

And then, in handwriting, on the margin:

"I believe Don still has a diary. A lawyer should look at it. He will know exact dates when he met with me and what specifically I told him to do or recommended. I assume Don has never shown the diary to Young. The diary will indicate specifically what Don did and when.

"16. When I was at the Convention Don called to say he had been called to appear before the grand jury. He was up tight. Dean told me not to worry. Dean met with Segretti in Miami.

"17. Don went before the grand jury. Dean reported it went well.

"18. Don returned to California.

"19. Don called about three weeks prior to the Post story to say the Washington Post had been to his home.

"20. Dean put Don on the road and I haven't talked to him since."

No further questions at this time, Your Honor.

THE COURT: You may examine, Mr. Stein.

CROSS-EXAMINATION

BY MR. STEIN:

Q Mr. Dean, the original of what was just read, you

THE COURT: You haven't been asked about your conversation with Mr. Dean.

MR. DAVIS: We don't intend to, Your Honor.

THE COURT: Right. I just remind the witness.

THE WITNESS: All right. Thank you, Your Honor.

BY MR. DAVIS:

Q You didn't see Mr. Chapin in Miami, did you?

A I did not.

Q What was the next time you saw Mr. Chapin?

A The next time I recall seeing Mr. Chapin was later on that summer, and I don't recall the exact date now. I met him in California.

Q Do you recall where you met him?

A Yes, I met him in front of the Century Plaza Hotel in Los Angeles. From there, we drove across the street and had lunch in a restaurant.

Q Did you have a conversation with him?

A Yes, I did.

Q What was the conversation?

A Mr. Chapin told me to cease all activities.

I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over.

Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems with the FBI and the grand jury appearance, and so

forth.

There was some brief discussion between Mr. Chapin and I regarding the possibility of him helping me obtain a job in some field in the future.

Q As of that date, how much money had you received?

A I received between fourty-four and forty-five thousand dollars.

Q Just so we are clear, you never received any of that money from Mr. Chapin, is that correct?

A No, I did not.

Q Who did you receive all that money from?

A I received all the money from Mr. Herbert Kalmbach or his secretary. I received one sum from his secretary; and I also received that sum of \$400 much earlier from Mr. Strachan?

Q Did you ever tell Mr. Kalmbach about any of your activities?

A No, I did not.

Q Did you keep a record of your expenses?

A I did.

Q Showing you what has been marked as Exhibit No. 27, can you identify that?

A I can.

Q What is it?

A This is a record of my expenditures and receipts.

Q How far does that carry your expenditures to, to what

date?

A I believe it is up to June 1972.

MR. DAVIS: The Government would like to offer this,
Your Honor, would offer it.

MR. STEIN: Objection.

THE COURT: What is its relevancy? There is no indication he showed it to anybody.

MR. DAVIS: We just want to establish the accounting of the amount he spent, so we will know how much was left as the bonus.

THE COURT: Did you indicate in any way to Mr. Chapin how much was left or did you just say you had some money left over?

THE WITNESS: No, I believe I did indicate that I had several thousand dollars remaining. Whether I gave him the exact amount, I don't believe I did, no, sir.

THE COURT: Very well.

The objection is sustained.

BY MR. DAVIS:

Q Now, Mr. Segretti, you testified to various telephone conversations you had with Mr. Chapin.

In what manner did you place those calls when you made them?

A There were a variety of manners. Sometimes it was direct dial from my home telephone number. Other times it was

they went to his home)."

Why did you put "Maybe they went to his home" there?

A. I don't know. I think maybe I heard that they went to his home.

Q All right.

"I contacted Gordon who checked [with] Dean."

is that true?

A. That is my understanding as to what happened, yes, sir.

Q Paragraph 14:

"Instructions to Segretti from that point on were handled by Dean."

A. That is correct. He was Don's contact.

Q "Don came to Washington and met with Dean and Gordon Strachan."

A. Yes.

Q "15. In July after Don had been interviewed by the FBI when I was in California to work on the Wolper films, I had lunch with Segretti."

Do you remember that lunch?

A. I do. That is the one he was referring to where I said-- where I mentioned that bonus thing.

Q "We talked of his going away, keeping quiet."

R I Do you recall that?

N) A. Yes. We talked about the fact that he should --

I should say, with what Mr. Dean testified to this morning, in regards to this.

But the part that -- I think the part about Don "was uptight" was accurate.

Q All right.

"Dean met with Segretti in Miami."

Is that true?

A Yes, it is.

Q Paragraph 17:

"Don went before the Grand Jury. Dean reported it went well."

That is true, is it not?

A Yes.

Q "Don returned to California."

Is that true?

A I don't know whether that is correct or not. I don't know where that came from.

Q Paragraph 19:

"Don called about three weeks prior to the Post story to say the Washington Post had been to his home."

Is that true?

A I believe it is true, yes.

Q Page 8:

"Dean put Don on the road and I haven't talked to him since."
UNI

25. On or about September 12 or 13, 1972, at 12:00 noon, John Mitchell, John Dean and Jeb Magruder met. Magruder outlined the false story he was planning to give before the Watergate Grand Jury regarding the meetings among Mitchell, Magruder, Dean and Gordon Liddy in January and February 1972 at which political intelligence and electronic surveillance had been discussed. Mitchell did not express any disagreement. Thereafter, Magruder appeared before the grand jury and testified falsely.

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tioned particularly Mr. Dean. He did mention other individuals but I cannot recall their names, and indicated he had been told he would have approximately \$1 million budget. I indicated to him at that time that \$1 million budget was a sizable budget and that he should prepare the background documents necessary to justify this budget and that he would then have an opportunity to present the budget to the Attorney General.

Mr. DASH. Now, did there come a time when Mr. Liddy did present his plan to the Attorney General, Mr. Mitchell?

Mr. MAGRUDER. Yes. In February I set up an appointment with Mr. Mitchell and John Dean on February 27 at 4 in the afternoon.

Mr. DASH. On February—

Mr. MAGRUDER. The first meeting was February 27.

Mr. DASH. May I refresh your recollection, Mr. Magruder, do you mean February 27 or January 27?

Mr. MAGRUDER. I am sorry, January 27, 1971. And we had a meeting in Mr. Mitchell's office at 4 in the afternoon as I recall it.

Mr. DASH. Who attended that meeting in Mr. Mitchell's office on January 27?

Mr. MAGRUDER. Mr. Mitchell, Mr. Dean, Mr. Liddy, and myself.

Mr. DASH. Prior to the meeting on January 27, did you know any of the details of the plan that Mr. Liddy was going to present on that day?

Mr. MAGRUDER. No, I did not.

Mr. DASH. Could you describe in detail what occurred on January 27 in Mr. Mitchell's office?

Mr. MAGRUDER. Mr. Liddy brought with him a series of charts, they were professionally done charts, and had color, some color, on each of the charts. As I recall there were approximately six charts. Each chart contained a subject matter and was headed by a code word. I cannot recall many of the code words, the one I do recall is Gemstone. I think one was called Target but I cannot specifically recall the other code words. Each chart had a listing of certain types of activities with a budget and, as I recall, there was one chart that totaled up the activities and the budget totaled to the \$1 million figure that he had mentioned previously.

Mr. DASH. Mr. Liddy was presenting this in the form of a show and tell operation?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. What were the size of these charts?

Mr. MAGRUDER. As I recall, they were approximately probably the size of the chart that is on the display stand.

Mr. DASH. Were they on an easel or display stand in the Attorney General's office?

Mr. MAGRUDER. Yes.

Mr. DASH. Do you have any idea where these charts were prepared, or who prepared them?

Mr. MAGRUDER. No, I do not.

Mr. DASH. You say the charts dealt with various projects and they had code names on them. Could you give us to your best recollection what some of these projects were?

Mr. MAGRUDER. This was, of course, the projects, including wire-tapping, electronic surveillance, and photography. There were projects

relating to the abduction of individuals, particularly members of radical groups that we were concerned about on the convention at San Diego. Mr. Liddy had a plan where the leaders would be abducted and detained in a place like Mexico and that they would then be returned to this country at the end of the convention.

He had another plan which would have used women as agents to work with members of the Democratic National Committee at their convention and here in Washington, and hopefully, through their efforts, they would obtain information from them.

Mr. DASH. With regard to these women—

Senator ERVIN. I am going to ask the audience to please refrain from laughter or any kind of demonstration.

Mr. DASH. With regard to the use of these women as agents, did this involve the use of a yacht at Miami?

Mr. MAGRUDER. He envisioned renting a yacht in Miami and having it set up for sound and photographs.

Mr. DASH. And what would the women be doing at that time?

Mr. MAGRUDER. I really could only estimate, but—

Mr. DASH. Based on his project, from your recollection. What did he indicate?

Mr. MAGRUDER. Well, they would have been, I think you could consider them call girls.

Mr. DASH. Do you recall any project dealing with a mugging project involving demonstrators?

Mr. MAGRUDER. I do not specifically recall that.

Mr. DASH. Now, what was the total budget that he presented at this meeting?

Mr. MAGRUDER. Approximately \$1 million.

Mr. DASH. How long did Mr. Liddy's presentation take?

Mr. MAGRUDER. Approximately 30 minutes.

Mr. DASH. Mr. Magruder, what was Mr. Mitchell's reaction, Mr. Dean's reaction, and your own reaction when you heard this presentation?

Mr. MAGRUDER. I think all three of us were appalled. The scope and size of the project was something that at least in my mind was not envisioned. I do not think it was in Mr. Mitchell's mind or Mr. Dean's, although I can't comment on their state of mind at that time.

Mr. Mitchell, in an understated way, which was his method of dealing with difficult problems like this, indicated that this was not an acceptable project.

Mr. DASH. And did Mr. Mitchell give Mr. Liddy any instructions at the end of this meeting?

Mr. MAGRUDER. He indicated that he would go back to the drawing boards and come up with a more realistic plan.

Mr. DASH. So it would be true that Liddy, at least, left that meeting without being discouraged from continuing to plan an intelligence operation.

Mr. MAGRUDER. I would say he was discouraged, but he was given the right to come up with a more reasonable plan.

Mr. DASH. Did you have any discussion with Mr. Liddy after the meeting?

Mr. MAGRUDER. Yes, he left with John Dean and I on our way back to the committee and indicated his being disturbed because he had

back to either Mr. Haldeman or Mr. Ehrlichman. I did assume this, but that was only an assumption from my work at the White House myself.

Mr. DASH. Were you again called before the grand jury prior to the trial, the first trial?

Mr. MAGRUDER. Yes.

Mr. DASH. When was that?

Mr. MAGRUDER. That was in September, the middle of September.

Mr. DASH. Did you know why you were being called before that grand jury?

Mr. MAGRUDER. Yes. At that time, they had gotten a copy—they had subpoenaed my diary and my diary contained meetings, primarily the meetings in January and February, with Mr. Liddy that we knew they would be very interested in. So consequently, Mr. Mitchell, Mr. Dean, and I met to try to determine how I would answer—

Mr. DASH. You mean prior to your appearance before the grand jury in September?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. What was the purpose of that meeting?

Mr. MAGRUDER. The purpose was to develop the story in effect of what took place at those meetings. Mr. Dean asked if he could be removed from those meetings, and I said that would not work, because too many people knew he had attended those meetings.

Then Mr. Mitchell and Mr. Dean, and I agreed that we would indicate—I would indicate—that the first meeting never occurred, that we had canceled it and that at the second meeting, we had discussed the new election law, which actually had been passed that week, and I introduced Mr. Liddy to Mr. Mitchell and he had not met Mr. Mitchell. It turned out that he had met Mr. Mitchell, but I was unaware of that.

So I indicated to the grand jury that it was an informal meeting to introduce Mr. Liddy and also to discuss the new election law.

Mr. DASH. Was any suggestion made that you might erase entries in the diary?

Mr. MAGRUDER. Yes; as I recall, one of the individuals indicated that. I think we agreed that erasures could be determined by the Federal Bureau of Investigation if anything was erased.

Mr. DASH. During your appearances before the grand jury or preceding it and when the story that was indicated was being developed, what if anything was told to you or discussed with you or by you concerning the question of executive clemency for yourself or for those who were going to accept the blame in the story?

Mr. MAGRUDER. Again I would like to be very careful here. I think that—during the time, of course, since I knew I was a target of the grand jury, I was somewhat concerned about what would happen to me if I was indicted. So I went through the same type of thing that the other defendants in the trial did and asked Mr. Mitchell and Mr. Dean for the kind of assurances that they did.

They made those assurances to me, but they—

Mr. DASH. What assurances specifically?

Mr. MAGRUDER. Well, they made assurances about income and being taken care of from the standpoint of my family and a job afterwards, and that type of thing, and also that there would be good opportunity for Executive clemency. But having worked at the White House and being aware of our structure there, I did not take that as meaning that

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Mr. MITCHELL. As I said, Mr. Dash, I believe those conversations took place much earlier than that.

Mr. DASH. I know, but you testified before the committee that you certainly wanted him to testify in such a way that the lid would not come off. You now knew he was going to be testifying. So whatever date you can recall at this time he was going to testify before the grand jury, would you not have discussed the grand jury testimony with him?

Mr. MITCHELL. Mr. Dash, I believe the sequence of events goes back to the time when Mr. Magruder and Mr. Porter went to Mr. Parkinson's office and put together their proposed testimony, which at that time they felt was going to be submitted to the grand jury in deposition form. I think that was the middle of July. It was in that time frame and during or shortly thereafter that the recitation of Mr. Magruder's testimony, of the nature of his testimony, was given. I have no recollection of having sat down with Mr. Magruder the day before, the second day before he went to the grand jury and going over it with him.

Mr. DASH. Well, did you learn what he testified to when he went to the grand jury?

Mr. MITCHELL. I assume that he had testified to what he had told us he was going to testify to.

Mr. DASH. Did you just assume? Didn't anybody tell you what he testified? Didn't you in fact learn that he did testify as he did, what he had been agreeing to testify to?

Mr. MITCHELL. I believe, Mr. Dash, if my memory serves me right, that he was debriefed by one of the lawyers who advised me as to what he testified to.

Mr. DASH. So in fact, you did learn?

Mr. MITCHELL. I did learn.

Mr. DASH. Now, he again testified before the grand jury on September 13 and at that time, it dealt with his diaries and the meeting that he had with you. Now, you saw Mr. Magruder, according to your log, Mr. Magruder and Mr. Dean, at 12 o'clock on that day. Did you have any discussions with him about his grand jury testimony on September 13?

Mr. MITCHELL. On September 13?

Mr. DASH. September 13 is when he appeared for his third and final time.

Mr. MITCHELL. Yes; I testified, I believe, on Monday to the fact that Mr. Dean, Mr. Magruder, and I rather briefly discussed the recollection of the meetings that had taken place in the Justice Department.

Mr. DASH. And what did Mr. Magruder, to your knowledge, tell you that his recollection or his testimony was going to be?

Mr. MITCHELL. Well, if I can recall it as best I can, No. 1, that he thought that one of the meetings had been canceled; No. 2, that there were discussions of the election laws, which, of course, they both testified there were. I think those were the essential parts of it.

Mr. DASH. What was your response to that? Did you respond to his recollection of what his testimony was going to be?

Mr. MITCHELL. I have no recollection of that, Mr. Dash.

Mr. DASH. Well, did you disagree with him?

Mr. MITCHELL. I didn't disagree with it, no, I did not.

might not stand up if indicted. I recall Haldeman asking me if I thought Magruder would stand up if indicted and I said no. I have always assumed it was a Presidential decision to keep Magruder on at the reelection committee. Following the decision, Ehrlichman and Haldeman indicated a greatly increased interest in Magruder's problems. They were aware of the strategy to stop the involvement at Liddy, because I reported to them on the story that Magruder would tell, that is, that he did not know what Liddy was doing. They frequently asked me how Magruder was doing in relationship to the FBI and grand jury investigation. I also had calls from Mr. Larry Higby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testimony, but I did not know that it had already been formulated when I first heard it. I informed Haldeman and Ehrlichman of the story. We discussed it and no one was sure it would hold up. This discussion did occur before Mitchell resigned. We, of course, knew that it was a fabricated story. When I later learned that Mr. Porter would corroborate Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of that. I had never heard Mr. Magruder's story in full detail until just before his grand jury appearance, in mid-August 1972, when he asked me if I would be a devil's advocate and question him before he went before the grand jury. Magruder came to my office, as I recall, the day before his second grand jury appearance. He told me he had made the decision himself as to how he was going to handle his testimony and wanted me to ask him any and all questions I could think of. I spent about an hour or more questioning him. Shortly after I had this session with Magruder, Higby called me to tell me that Magruder had been to see him, to let Haldeman know he was ready.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen, who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him, and subsequently informed Mitchell and Magruder. I recall that Haldeman was very pleased, because this, of course, meant that the investigation would not go beyond Liddy.

In early September Paul O'Brien came to my office and informed me that there was an outstanding subpoena for Magruder's diary. O'Brien said that Magruder's diary reflected the meetings in Mitchell's office in January and February with Liddy, Magruder, Dean, and Mitchell. O'Brien also informed me that there had been discussion of destroying or altering the diary, but he did not think much of that. I agreed that to alter it would be impossible because it would be discovered by the FBI laboratory.

I remember talking with Magruder and asking him why he kept a diary—being somewhat facetious. I told Magruder that he should talk with Mr. Mitchell about this, because he was probably going to have to turn the diary over.

Long before the matter of Magruder's diary had arisen, I had talked with Mitchell about the meetings in January and February in his office. I told him that should it ever be necessary, I would testify that I knew that he had not approved anything at these meetings. It was after the matter of Magruder's diary being subpoenaed and Magruder again being recalled to the grand jury that Mitchell requested that I

meet with him and Magruder to discuss how Magruder should handle this matter before the grand jury. During the meeting at which this was discussed, I told Mitchell and Magruder that I had no idea what they had discussed before I arrived late at the second meeting in February. I said I recalled there was some reference to the election laws at the first meeting and Magruder could explain my presence with Liddy at the meetings by reason of the fact of the election laws discussion. Magruder liked this idea and said that was how he would handle it. I later learned that Magruder testified that one of the meetings had been canceled, and the meeting that occurred was to introduce Liddy to Mitchell and had dealt with election law problems. I assume that these refinements to the story were added by Magruder because they were not discussed at my meeting with Mitchell and Magruder.

Senator BAKER. Mr. Dean, that would seem to be a convenient breaking place. I notice that on the next page, 91, you have appearances of White House personnel before the grand jury, so if you have no objection to it, the meeting will stand in recess until 2 o'clock.

[Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, MONDAY, JUNE 25, 1973

Senator ERVIN. The committee will come to order.

Mr. Dean, I realize that when you have to do so much reading that sometimes it gets pretty hard on your voice and any time that you feel like you need a little break to sort of relieve your voice, let us know and we will certainly grant it to you.

Mr. DEAN. I appreciate that very much, Mr. Chairman.

If the Chairman is ready I will proceed.

When we stopped for lunch I was just commencing on page 91.

APPEARANCES OF WHITE HOUSE PERSONNEL BEFORE THE GRAND JURY

Mr. DEAN. I shall now turn from the matter of Magruder's appearances before the grand jury, to the appearance of the members of the White House staff before the grand jury.

The handling of the appearances of the White House staff before the grand jury was very similar to the procedure that had been followed with regard to their interviews by the FBI. By that I mean either Mr. Fielding or myself would discuss with the individual before he went to the grand jury the likely questions he would be asked, the unrelated areas that we didn't feel it was necessary for the individual to get into.

When Colson learned that he was going to be called before the grand jury, he was outraged. He felt that the press had been rather hostile toward him because of his association with Mr. Hunt and his appearance in the courthouse before the grand jury would be most detrimental. He was very insistent that something be done about the situation and asked me to see if I could do anything to help him. I called Henry Petersen and discussed this with him and asked him if there was anything that could be done. Petersen told me he would explore it. Petersen called back and said he appreciated the problem of the White House staff people coming down to the courthouse to appear

Mr. Mitchell --- Wednesday, September 13, 1972

DR

9:20 Mr. M arrived at office

9:25 Mr. M ret. Dick Moore's call and t.

9:45 Mr. M SAW Messrs Stans, Parkinson, O'Brian
LaRue, McPhee, and Mardian ✓

11:30 Mr. M called Dwayne Andreas and t.

[12:00 Mr. M SAW Jeb Magruder and John Dean

2:00 Mr. M SAW Messrs Stans, Parkinson, O'Brian
LaRue, McPhee, Mardian, Cliff Miller,
Powell Moore and Dick Moore

3:00 Mr. M called Dwight Chapin and t.

3:30 Dwayne Andreas called Mr. M and t.

3:45 Mr. M called Bill Lidtke and t.

5:00 Mr. M left for Camp David

9:30 Mr. M ret. to Watergate

Thursday
September 12

APPOINTMENTS

APPOINTMENTS

8:00		2:30	W. L. Smith
8:15	St. Albans	2:45	Capitol Club
8:30	school	3:00	
8:45		3:15	
9:00	Club at St Albans	3:30	
9:15		3:45	
9:30		4:00	
9:45		4:15	
10:00		4:30	
10:15		4:45	
10:30	Julia (one, Jones) Hunt	5:00	Celebrate
10:45	Karen	5:15	
11:00	Cornelley Morgan	5:30	
11:15		5:45	
11:30		6:00	
11:45		6:15	
12:00		6:30	Celebrate
12:15		6:45	
12:30		7:00	
12:45		7:15	
1:00		7:30	
1:15		7:45	
1:30		8:00	
1:45		8:15	
2:00		8:30	
2:15		8:45	

Friday
September 13

APPOINTMENTS

APPOINTMENTS

8:00		2:30	
8:15		2:45	
8:30		3:00	school
8:45		3:15	
9:00		3:30	
9:15	school	3:45	
9:30		4:00	
9:45		4:15	
10:00	Club at St Albans	4:30	
10:15		4:45	
10:30		5:00	school
10:45		5:15	
11:00	Miss Giza	5:30	
11:15		5:45	
11:30		6:00	
11:45		6:15	
12:00	Mitchell, Dia	6:30	
12:15		6:45	
12:30		7:00	
12:45		7:15	
1:00		7:30	
1:15		7:45	
1:30	Hand free	8:00	
1:45		8:15	
2:00		8:30	
2:15		8:45	

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AUG 16 1973

JAMES F. DAVEY, Clerk

UNITED STATES OF AMERICA)

Criminal No. 715-73

v.)

Violation of 18 U.S.C. § 371

JEB STUART MAGRUDER)

(Conspiracy to unlawfully intercept wire and oral communications, to obstruct justice, and to defraud the United States of America)

INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly

9. On or about August 10, 1972, Herbert Lloyd Porter testified falsely before a Federal Grand Jury sitting in the District of Columbia.

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N. W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

14. On or about January 23, 1973, in the District Court for the District of Columbia, JEB STUART MAGRUDER gave false, deceptive and misleading material testimony during the trial of Criminal Case No. 1827-72, entitled United States v/ Gordon Liddy, et al.

15. On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony

DEFENDANT MAGRUDER: I am, Your Honor.

THE COURT: The Clerk will take the plea.

THE DEPUTY CLERK. Jeb Stuart Magruder, in Criminal Case No. 715-73 you are charged in an INFORMATION with CONSPIRACY to unlawfully intercept wire and oral communications, to obstruct justice and to defraud the United States of America. How do you wish to plead?

DEFENDANT MAGRUDER: I plead guilty.

THE DEPUTY CLERK: Plead guilty.

THE COURT: I will hear from counsel for the Government first on the question of bail pending sentence in this case, as to what your recommendation is if you care to make one.

MR. NEAL: First, with respect to bail. May it please the Court, we have interrogated Mr. Magruder at various times through the last couple of months under my personal supervision. He has been readily in attendance at a moment's notice. He has cooperated fully with the Office of Mr. Cox. Knowing that the purpose of bail is simply to insure his presence and knowing that his counsel, both reputable men of the Bar of the District of Columbia, have said that they would insure his presence at a moment's notice, and knowing that this is the past history, we think that a nominal bond

26. On September 14, 1972 John Mitchell testified before the Watergate Grand Jury that he had no prior knowledge of illegal CRP political intelligence operations or of Gordon Liddy's political intelligence gathering activities.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

JOHN N. MITCHELL, HARRY R.
HAIDEMAN, JOHN D. EHRlichMAN,
CHARLES W. COLSON, ROBERT C.
MARDIAN, KENNETH W. PARKINSON,
and GORDON STRACHAN,

Defendants.

Criminal No.

Violation of 18 U.S.C.
§§ 371, 1001, 1503, 1621,
and 1623 (conspiracy,
false statements to a
government agency, ob-
struction of justice,
perjury and false
declarations.)

INDICTMENT

The Grand Jury charges:

Introduction

1. On or about June 17, 1972, Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez, James W. McCord, Jr. and Frank L. Sturgis were arrested in the offices of the Democratic National Committee, located in the Water-gate office building, Washington, D. C., while attempting to photograph documents and repair a surreptitious electronic listening device which had previously been placed in those offices unlawfully.

2. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, a department and agency of the United States, and the Central Intelligence Agency was an agency of the United States.

3. Beginning on or about June 17, 1972, and continuing up to and including the date of the filing of this

COUNT FOUR

The Grand Jury further charges:

1. On or about September 14, 1972, in the District of Columbia, JOHN N. MITCHELL, the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.
2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 2511, and 22 D.C. Code 1801(b), and of other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.
3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of unlawful entries into, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D. C., and related activities.

4. At the time and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Was there any program, to your knowledge, at the Committee, or any effort made to organize a covert or clandestine operation, basically, you know, illegal in nature, to get information or to gather intelligence about the activities of any of the Democratic candidates for public office or any activities of the Democratic Party?

A. Certainly not, because, if there had been, I would have shut it off as being entirely non-productive at that particular time of the campaign.

* * *

Q. Did you have any knowledge, direct or indirect, of Mr. Liddy's activities with respect to any intelligence gathering effort with respect to the activities of the Democratic candidates or its Party?

A. None whatsoever, because I didn't know there was anything going on of that nature, if there was. So I wouldn't anticipate having heard anything about his activities in connection with it.

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)

27. On September 15, 1972 Gordon Liddy, Howard Hunt and the five persons arrested in the DNC Watergate offices were indicted for several offenses including burglary, unlawful entry for the purpose of intercepting oral and wire communications, and conspiracy.

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27.1 <u>United States v. Liddy</u> indictment, September 15, 1972, 1-10.....	358
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SEP 15 1972

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES F. DAVEY, Clerk

Holding a Criminal Term

Grand Jury Sworn in on June 5, 1972

The United States of America : Criminal No. 1827-72
v. : Grand Jury Original
George Gordon Liddy, : Violation: 18 U.S. Code
also known as: Gordon Liddy and 371, 2511
George F. Leonard 22 D.C. Code
Everett Howard Hunt, Jr., 1801(b),
also known as: Howard Hunt, 23 D.C. Code
Edward L. Warren and 543(a)
Edward J. Hamilton (Conspiracy; Interception
James W. McCord, Jr., of Oral and Wire Communi-
also known as: Edward J. Warren and cations; Second Degree
Edward J. Martin Burglary; Unlawful
Bernard L. Barker, Possession Intercepting
also known as: Frank or Fran Carter Devices)
Eugenio R. Martinez,
also known as: Gene or Jene Valdes
Frank A. Sturgis,
also known as: Frank Angelo Fiorini,
Edward J. Hamilton, and
Joseph DiAlbarto or
D'Albarto
Virgilio R. Gonzalez,
also known as: Raul or Raoul Godoy
or Goboy

The Grand Jury charges:

FIRST COUNT:

1. At all times material hereto the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States.

2. At all times material hereto the Democratic National Committee had its offices and headquarters at 2600 Virginia Avenue, N.W., Washington, D.C.

3. At all times material hereto George Gordon Liddy, also known as Gordon Liddy and George F. Leonard and herein-after referred to as defendant Liddy, was employed as counsel for the Finance Committee to Re-Elect the President located at 1701 Pennsylvania Avenue, N.W., Washington, D.C.

strict, c. 9

4. At all times material hereto, Everette Howard Hunt, Jr., also known as Howard Hunt, Edward L. Warren, and Edward J. Hamilton, and hereinafter referred to as the defendant Hunt, was a friend and associate of defendant Liddy and Bernard L. Barker.

5. At all times material hereto, James W. McCord, Jr., also known as Edward J. Warren and Edward J. Martin, and hereinafter referred to as defendant McCord, was the President of McCord Associates, Inc. The defendant McCord at all times material hereto also served as security coordinator for the Committee for the Re-Election of the President located at 1701 Pennsylvania Avenue, N.W., Washington, D.C.

6. At all times material hereto, Bernard L. Barker, also known as Frank and Fran Carter, and hereinafter referred to as defendant Barker, was President of Barker Associates, Inc., a real estate corporation with offices at 2301 Northwest Seventh Street, Miami, Florida.

7. At all times material hereto, Eugenio R. Martinez, also known as Gene or Jene Valdes and hereinafter referred to as defendant Martinez, was employed by Barker Associates, Inc.

8. At all times material hereto, Frank A. Sturgis, also known as Frank Angelo Fiorini, Edward J. Hamilton, and Joseph D'Alberto and DiAlberto and hereinafter referred to as defendant Sturgis, was an associate of defendant Barker.

9. At all times material hereto, Virgilio R. Gonzalez, also known as Raul and Raoul Godoy or Goboy and hereinafter referred to as defendant Gonzalez, was an associate of defendant Barker employed as a locksmith in Miami, Florida.

10. From on or about May 1, 1972, and continuing thereafter through June 17, 1972, the exact dates being unknown, within the District of Columbia and elsewhere, the defendants Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez, hereinafter collectively referred to as the DEFENDANTS, unlawfully, willfully, and knowingly did agree, combine, and conspire with each other and among themselves to commit offenses against the United States, that is, by various illegal and unlawful methods and means, to obtain and use illegally information from the offices and headquarters of the Democratic National Committee and related political entities. The illegal and unlawful methods and means which are known to the Grand Jury that were used or attempted to be used by the defendants to obtain and use information illegally from the offices and headquarters of the Democratic National Committee were as follows:

To enter unlawfully the offices and headquarters of the Democratic National Committee:

(1) To intercept wire communications of officers and employees of the Democratic National Committee by placing in the offices and headquarters of the Democratic National Committee an electronic device or devices designed for the surreptitious interception and transmission of telephone conversations to a receiver located in a room at the Howard Johnson's Motor Lodge at 2601 Virginia Avenue, N.W., Washington, D.C. The terms "intercept", "wire communication" and "electronic device" are used by the Grand Jury as they are defined in Title 18 U.S. Code § 2510;

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(2) To intercept oral communications within the offices and headquarters of the Democratic National Committee by placing within these premises an electronic device designed for the surreptitious interception and transmission of conversations of persons within these premises to a receiver located in a room at the Howard Johnson's Motor Lodge at 2601 Virginia Avenue, N.W., Washington, D.C. The terms "intercept", "oral communication" and "electronic device" are used by the Grand Jury as they are defined in Title 18, United States Code § 2510;

(3) To obtain documents, papers, and records of the Democratic National Committee by stealing them from the offices and headquarters of the Democratic National Committee;

(4) To obtain copies of documents, papers, and records of the Democratic National Committee by removing them from their location within the offices and headquarters of the Democratic National Committee, taking photographs of them and then returning them to the location from which they were illegally removed;

In furtherance of the aforesaid conspiracy and to effect the objects thereof, the DEFENDANTS did commit, among others, the following overt acts in the District of Columbia and elsewhere:

1. The DEFENDANTS did and caused to be done the acts set forth in the succeeding counts of this indictment on the dates, at the places, and in the manner set forth therein, all of which are incorporated by reference as though fully set forth and made a part hereof.

2. On or about May 5, 1972, and continuing through about May 28, 1972, Room 419 at the Howard Johnson's Motor Lodge, located at 2601 Virginia Avenue, N.W., Washington, D.C. was rented or leased by the defendant McCord in the name of McCord Associates.

3. On or about May 8, 1972, the defendant Liddy made a telephone call from the District of Columbia to the defendant Barker at Barker Associates, Inc.

4. On or about May 10, 1972, in Rockville, Maryland, the defendant McCord purchased a Receiving System for McCord Associates, Inc., for which he paid \$3,500 in cash, a device capable of receiving intercepted wire and oral communications.

5. On or about May 17, 1972, the defendant Barker made two telephone calls from Barker Associates, Inc. to the defendant Liddy at the Finance Committee to Re-Elect the President and two calls to the defendant Hunt within the District of Columbia.

6. On or about May 19, 1972, the defendant Hunt made one telephone call from the District of Columbia to the defendant Barker at Barker Associates, Inc. and one telephone call from the District of Columbia to the defendant Barker at his residence.

7. On or about May 22, 1972, the defendant Barker -- using the alias of Fran Carter, the defendant Martinez -- using the alias of G. Valdes, the defendant Sturgis -- using the alias of Joseph DiAlberty, and the defendant Gonzalez -- using the alias of Raul Goboy, traveled from Miami, Florida, to Washington, D.C.

8. On May 26, 1972, the defendant Liddy -- using the alias of George F. Leonard, the defendant Hunt -- using the alias of Edward L. Warren, the defendant Barker -- using the

alias of Frank Carter, the defendant Martinez -- using the alias of Gene Valdes, the defendant Sturgis -- using the alias Joseph D'Alberti, and the defendant Gonzalez -- using the alias Raul Godoy, registered at the Watergate Hotel at 2650 Virginia Avenue, N.W., Washington, D.C.

9. On or about May 26, 1972, within the District of Columbia, the defendants Liddy, Hunt and McCord met.

10. On or about May 27, 1972, within the District of Columbia, the defendants Liddy, Hunt, and McCord inspected, surveyed, and reconnoitered the headquarters of Senator George McGovern at 410 First Street, S.E.

11. On or about May 29, 1972, and continuing through June 17, 1972, Room 723 at the Howard Johnson's Motor Lodge, located at 2601 Virginia Avenue, N.W., Washington, D.C. was rented and leased by the defendant McCord in the name of McCord Associates.

12. On or about June 5, 1972, the defendant Hunt made a telephone call from within the District of Columbia to the defendant Barker at Barker Associates, Inc.

13. On or about June 11-15, 1972, within the District of Columbia, the defendants Liddy, Hunt and McCord met and the defendant Liddy gave the defendant McCord about \$1,600 in cash.

14. On or about June 12, 1972, in Miami, Florida, the defendants Martinez and Sturgis purchased surgical gloves.

15. On or about June 13, 1972, and June 15, 1972, in Miami, Florida, the defendant Martinez purchased film and other photographic equipment.

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16. On or about June 15, 1972, the defendant Hunt made three telephone calls from the District of Columbia to the defendant Barker at Barker Associates, Inc.

17. On or about June 16, 1972, the defendant Hunt made a telephone call from within the District of Columbia to the defendant Barker at his residence.

18. On or about June 16, 1972, the defendant Barker made a telephone call to the defendant Hunt within the District of Columbia and to the defendant Liddy at the Finance Committee to Re-Elect the President.

19. On or about June 16, 1972, the defendant Barker -- using the alias F. Carter, the defendant Martinez -- using the alias G. Valdez, the defendant Sturgis -- using the alias J. DiAlberto, and the defendant Gonzalez -- using the alias R. Godoy, traveled from Miami, Florida, to the District of Columbia.

20. On or about June 17, 1972, within the District of Columbia the defendant McCord stole documents and papers belonging to the Democratic National Committee.

(In violation of 18 U.S.Code § 371)

SECOND COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez entered the rooms, that is, the offices and headquarters, of the Democratic National Committee, with the intent to steal property of another.

(In violation of 22 D.C. Code § 1801(b))

THIRD COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez entered the rooms, that is, the offices and headquarters of the Democratic National Committee, with the intent to intercept willfully, knowingly, and unlawfully oral communications made within these rooms and wire communications received and sent from telephones located in these rooms. The terms "oral communication" and "wire communication" are used by the Grand Jury as they are defined in Title 18 U.S. Code § 2510.

(In violation of 22 D.C. Code § 1801(b))

FOURTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept oral communications made within the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S. Code § 2511)

FIFTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept wire communications received by and sent from telephones located in the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S. Code 2511)

SIXTH COUNT:

On or about June 17, 1972, within the District of Columbia, the defendants, McCord, Barker, Martinez, Sturgis, and Gonzalez did willfully possess an intercepting device, to wit, a white plastic box, 8-1/4 inches by 2-3/8 inches, by 2-3/4 inches, with two labels on the front which read "ARI Smoke Detector" and "Fire Eqpt. DO NOT MOVE", but which contained inside six batteries wired in series and a miniature radio transmitter with a microphone, the design of which said device rendered it primarily useful for the purpose of the surreptitious interception of an oral communication.

(In violation of 23 D.C. Code § 23-543(a))

SEVENTH COUNT:

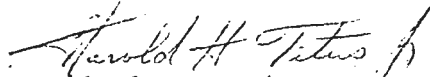
On or about June 17, 1972, within the District of Columbia, the defendants McCord, Barker, Martinez, Sturgis, and Gonzalez did willfully possess an intercepting device, to wit, a miniature radio transmitter approximately 1-1/2 inches long, 1 inch wide, and 1/2 inch high, with two wires protruding from one end of the transmitter and which served to connect the transmitter in series with one wire of a telephone line and one wire protruding from the opposite end which served as a radiating antenna, the design of which said device rendered it primarily useful for the purpose of the surreptitious interception of a wire communication.

(In violation of 23 D.C. Code § 543(a))


EIGHTH COUNT:

From on or about May 25, 1972, and continuing up to on or about June 16, 1972, within the District of Columbia, the defendants Liddy, Hunt, and McCord willfully, knowingly, and unlawfully did intercept, endeavor to intercept and procure and cause the interception of wire communications received by and sent from telephones located in the offices and headquarters of the Democratic National Committee and used primarily during this period by Robert Spencer Oliver and Ida M. Wells.

(In violation of 18 U.S. Code § 2511)


United States Attorney
for the District of Columbia

A TRUE BILL:


Foreman of the Grand Jury.

28. On September 15, 1972 John Dean met with the President and H. R. Haldeman. They discussed the Watergate investigations and the indictment returned earlier that day. The President discussed with Haldeman and Dean the way Dean had handled the matter. The President said:

Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you - putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

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28.1 House Judiciary Committee transcript of tape recording of meeting among the President, H. R. Haldeman and John Dean on September 15, 1972, 7.....370

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RE-
CORDING OF A MEETING AMONG THE PRESIDENT, H. R.
HALDEMAN AND JOHN DEAN ON SEPTEMBER 15, 1972

PRESIDENT: [Unintelligible]

HALDEMAN: John, he is one of the quiet guys that gets a lot done.
That was a good move, too, bringing Dean in. But it's --

PRESIDENT: It -- He'll never, he'll never gain any ground for us.
He's just not that kind of guy. But, he's the kind that
enables other people to gain ground while he's making
sure that you don't fall through the holes.

PRESIDENT: Oh. You mean --

HALDEMAN: Between times, he's doing, he's moving ruthlessly on
the investigation of McGovern people, Kennedy stuff,
and all that too. I just don't know how much progress
he's making, 'cause I --

PRESIDENT: The problem is that's kind of hard to find.

Well, I'll tell you, uh, just don't let this keep you or your colleagues from concentrating on the big game. Yeah, that's right. I mean this, uh, this thing is just, uh, you know, one of those side issues and a month later everybody looks back and wonders what the hell the shouting was about.

Yeah. Yeah.

Okay, well, anyway get a good night's sleep. And don't don't bug anybody without asking me. Okay?

Yeah.

DEAN: Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our, our surprise.

PRESIDENT: Say what?

DEAN: Nothing is going to come crashing down to our surprise, either --

PRESIDENT: Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you -- putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

DEAN: That is correct. They'll, they will have completed and

29. On September 17 or 18, 1972 Kalmbach was directed by Dean or LaRue to deliver \$53,500 to Mrs. Howard Hunt for the benefit of the Watergate defendants and to deliver the remainder of the funds he had received to LaRue. On September 19, 1972, after having been directed by Kalmbach to make these deliveries, Ulasewicz delivered \$53,500 to Mrs. Hunt by placing the cash in an unmarked envelope in a locker at the Washington National Airport, and delivered \$29,900 to LaRue by placing the cash in an unmarked envelope on a shelf in the lobby of a Howard Johnson's Hotel near LaRue's residence. On September 21, 1972 Kalmbach, LaRue, and Dean met in Dean's office to reconcile Kalmbach's and LaRue's records of Kalmbach's disbursements of the funds he had obtained from Stans, LaRue and Jones. These records showed that as of September 21, 1972 Kalmbach had disbursed \$187,500 for the benefit of the seven defendants and \$29,900 to LaRue. Kalmbach said that he did not wish to continue his role concerning the payments to the defendants. At the end of the meeting, Kalmbach burned his records in an ashtray on Dean's desk.

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would scotch tape the key to the locker where I made my drop. [80]*

Then I would leave that area and either go by the newsstand opposite or—this would be where the phone booth would be. This is a lounge, where she would be coming through in this direction. [81]* This is a window for airplane observation by the public, et cetera, and I would probably be in this area, walk there, would be a little further behind, where I could watch the booth. Her directions were the same thing, don't hesitate, go right into the booth, remove the key, go to the locker. The locker would be 25 feet, I guess, or so across the corridor.

Mr. LENZNER. Now, before she arrived on the first occasion, did you also have a description of her, the clothes she was going to wear?

Mr. ULASEWICZ. Yes; she mentioned that day she would be wearing a blue outfit and I think she said her hair in a clip back off the shoulders.

Mr. LENZNER. Now, I believe on May 19 of this year, when we went out to that phone booth with you, there was some scotch tape underneath that telephone box?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, did you observe her on the first occasion come by, pick up the key, and go over to the box, which I think is N-301, and remove funds that you had left there?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Did you see her do that on other occasions?

Mr. ULASEWICZ. On two other occasions.

Mr. LENZNER. Now, the first occasion, how much money did you leave in that box?

Mr. ULASEWICZ. \$40,000.

Mr. LENZNER. The second occasion?

Mr. ULASEWICZ. I will just refer to the notes.

Mr. LENZNER. Sure.

Mr. ULASEWICZ. I mentioned there was one occasion that Mr. Hunt came. I mentioned actually there were four drops to the Hunts.

Mr. LENZNER. Four drops to the Hunts—three to Mrs. Hunt and one to Mr. Hunt?

Mr. ULASEWICZ. That is correct. There were \$43,000 the second time, \$18,000 the third, and \$53,500 on the last occasion, which was September 19.

Mr. LENZNER. All right, sir. Now, I take it you had the telephone booth under observation from the lounge after you left the key until at some point when Mrs. Hunt picked up the key?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. What if someone had come in and found that, Mr. Ulasewicz, while you were watching?

Mr. ULASEWICZ. Well, he would be very quickly relieved of that key. I think that is the best I can answer. Why put myself in that position?

Mr. LENZNER. I take it that was the purpose of keeping the booth under observation?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Did there come a time when you were instructed by Mr. Kalmbach to deliver funds to Mr. Liddy?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Do you remember approximately when that was?

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. ULASEWICZ. That was in July of 1972.

Mr. LENZNER. Did you contact Mr. Liddy and give him instructions as to how that money would be delivered?

Mr. ULASEWICZ. I did.

Mr. LENZNER. How much was that, by the way?

Mr. ULASEWICZ. \$8,000.

Mr. LENZNER. All right, sir. Now, will you explain what you told Mr. Liddy?

Mr. ULASEWICZ. I contacted Mr. Liddy. I had taken the phone number from Mrs. Hunt. She had made those arrangements, saying they needed money, and Kalmbach came back to me, delivered the money, \$78,000. In that conversation, he started, and it was the only one I had with him, he started on that occasion, started saying something about—again he thought I was in policymaking or some contact—and he said, "You can check with anyone and the stand-up guy," et cetera. I said, "Mr. Liddy, I am only delivering something in the package." He said "OK".

We made arrangements and in this instance, I placed the money in the locker at this end of the lobby and at the end of the lobby, the main area, where Eastern Airlines comes in here. [85]* I placed the money in the bottom locker. [82]* I placed the key in an envelope and placed it on a ledge here by the window [83]* and myself in a position back to observe, much in this fashion.

Mr. LENZNER. What is next to the travel—

Mr. ULASEWICZ. Next to the Mutual?

Mr. LENZNER. Insurance.

Mr. ULASEWICZ. Insurance situation here.

Mr. LENZNER. All right.

Mr. ULASEWICZ. Then he came in and did as instructed, told him he would be wearing a shirt of some description. He came in, walked by me and he proceeded up—there is a flight of stairs which lead to an upper deck, and I watched him from up here [84]*, and I lost sight of him, he had gone into a corridor leading in here and he probably thought that there were lockers in this area, and he went, however, he came back in maybe 30 seconds or so, and looking at his key opened the thing and took the money.

Mr. LENZNER. Now did there come a time when you were asked to deliver money to Mr. Fred LaRue by Mr. Kalmbach?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Was that in September of 1972?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And approximately how much was that?

Mr. ULASEWICZ. \$29,900.

Mr. LENZNER. What arrangements did you make with Mr. LaRue to deliver those funds?

Mr. ULASEWICZ. The instructions at that time from Mr. Kalmbach were there were two deliveries that day, one earlier to Mrs. Hunt in a manner as I described, and the second one to Mr. LaRue—shall I go into the entire conversation at this point?

Mr. LENZNER. Sure, go ahead.

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. ULASEWICZ. Mr. LaRue, Mr. Kalmbach said, gave me a telephone number and said, "Contact Mr. LaRue at 6 p.m. and Mr. LaRue lives in the Watergate apartments," which, of course, was a little surprise to me, and now we are back into the Watergate deal [laughter] and he said to leave, Mr. LaRue suggested that I leave the package at the desk and I said to Mr. Kalmbach that at no point have I been observed and I have been obeying the instructions as best as I know how and I certainly am not going to walk in and leave it at the desk because that is a third party. He said, "All right, handle it any way you want, as usual," et cetera.

What I did is there is a garage opposite where Mr. LaRue lived in the Watergate, his entrance had one telephone booth and it was very—it was being used quite a bit—so I didn't go there but I hated to go to where I did go, which was the Howard Johnson Hotel across from Watergate which was used in the original situation and that is where I wound up.

I placed the key, I called Mr. LaRue, and asked him to come down, I had a package, he was waiting the call—6 p.m. exactly, he was awaiting the call and he says fine, he would be right down. I had never met Mr. LaRue. I asked him to put two magazines under his arm, come across the street, come into the motel entrance and the money would be on the ledge in the motel.

When he came out, it is a wide street, I watched him through the motel window here [86]* and he had two magazines. He stopped at the island because of heavy traffic, when he stepped off the island he was now approaching, I laid the money on the ledge in the envelope and I proceeded through a door back to the cigarette machines and I could see him come in, pick up the money, hesitate a moment, go right out and go back, back to his apartment.

Mr. LENZNER. So you had the money and him under observation until such time as he picked it up?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Thank you very much, Mr. Ulasewicz.

Can you return now to the table and we will go back and pick up some more of your conversations with Mrs. Hunt.

Now, after you delivered your \$25,000 to Mr. Bittman, did you so advise Mr. Kalmbach that you had made that delivery?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Now, after that, did you receive another phone call from Mr. Kalmbach instructing you to contact the writer or the writer's wife?

Mr. ULASEWICZ. Yes, and he gave me the telephone number to the writer's residence.

Mr. LENZNER. Who were you to call on that first occasion?

Mr. ULASEWICZ. The writer, who would be Mr. Hunt.

Mr. LENZNER. And did you have any instructions? What were you supposed to say to him?

Mr. ULASEWICZ. That a listing of the cost of the script and the same routine, the actors and who may be concerned in that show.

Mr. LENZNER. Did you call the number that Mr. Kalmbach had given you?

Mr. ULASEWICZ. No. The telephone number?

Mr. LENZNER. Yes.

Mr. ULASEWICZ. Yes, I did call.

*Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2228-2230.

Mr. SHURE. In other words, the amounts that Mrs. Hunt was demanding and the amounts Mr. Kalmbach was giving to you were getting to be so vast that it was apparent they were going beyond just paying legal fees and meeting the needs of the families of the defendants?

Mr. ULASEWICZ. That is a fair statement.

Mr. SHURE. And that was the reason that both you and Mr. Kalmbach came to the conclusion that you should get out of the thing?

Mr. ULASEWICZ. Yes; the money plus the way we had to continue to handle it and so forth. All of that.

Mr. SHURE. Did you begin to feel you were becoming enmeshed in something that might be illegal?

Mr. ULASEWICZ. Let's say that I had a little shaky feeling the way things were going.

Mr. SHURE. And were you beginning to get concerned for yourself, as to your involvement?

Mr. ULASEWICZ. For myself and Mr. Kalmbach, because as I said before, the two of us were in this deep in this thing.

Mr. SHURE. Mr. Caulfield was your friend?

Mr. ULASEWICZ. Oh, yes.

Mr. SHURE. Did you contact him?

Mr. ULASEWICZ. No.

Mr. SHURE. Did you ever discuss with him about what you were getting involved in?

Mr. ULASEWICZ. No, sir, Mr. Caulfield is a Washington resident and any Washington resident is one of those holes in a sieve, no matter who he is.

Mr. SHURE. So I would assume, then, you felt the same way about Mr. Ehrlichman, who was living in Washington?

Mr. ULASEWICZ. Yes, but you see, Mr. Ehrlichman, the only conversation I ever had was that one at the airport when he hired me. Outside of that, I never had a phone call or personal conversation with Mr. Ehrlichman.

Mr. SHURE. But up until that time, had you ever done anything that you considered to be illegal?

Mr. ULASEWICZ. No, sir.

Mr. SHURE. Now you were caught in a measure that might be in some way involving you?

Mr. ULASEWICZ. That may become at some point or looked at. For the entire period of time that I was doing this for Mr. Kalmbach, it never occurred to me, that I did not consider that I did anything illegal for Mr. Kalmbach, neither did he; neither did I, as far as the facts presented to me.

Mr. SHURE. But you did state that from the amounts of money involved and the demands being made, that you were obviously making payments to Mrs. Hunt and others that exceeded the basic needs of attorney fees and family survival?

Mr. ULASEWICZ. Correct.

Mr. SHURE. After you made your last two dropoffs, which was what—September 19, 1972?

Mr. ULASEWICZ. September 19.

Mr. SHURE. Did anyone ever contact you again about becoming involved in this type of operation?

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Mr. KALMBACH. Yes, sir.

Mr. DASH. While you were on that same trip to Washington your calendar shows at 8 a.m. a meeting with John Connally, on August 8. Do you know, was that in relationship to this in any way?

Mr. KALMBACH. In no way whatsoever.

Mr. DASH. Did you discuss your activities with him at that time?

Mr. KALMBACH. As to this assignment?

Mr. DASH. Yes.

Mr. KALMBACH. Absolutely not.

Mr. DASH. Now, when did you decide to stop raising any money for the defendants and their attorneys?

Mr. KALMBACH. Mr. Dash, probably in mid-August and then continuing, it is my recollection that Mr. Dean and Mr. LaRue contacted me and indicating they needed additional funds, and by this time in late August this whole degree of concern had come back on me. It had come back on me to the level that I knew that I did not want to participate any longer in this assignment.

Mr. DASH. Wasn't Mr. Ehrlichman's reassurance enduring?

Mr. KALMBACH. No, it was not.

Mr. DASH. What was—was the concern again the covert activity, the secrecy of it?

Mr. KALMBACH. I think that was the primary factor, Mr. Dash. I think that Mr. Ulasewicz mentioned some cautionary words that from a professional police officer who gave me some pause. I think there were other things within the press.

Mr. DASH. You mean the newspaper stories about Watergate were coming more and more to the fore, were they not?

Mr. KALMBACH. Yes, sir, and I think that just all of it together was enough so that by, certainly by, as I say, late August, September, I was certain that I would not continue in this assignment.

Mr. DASH. Did you discuss this with Mr. Ehrlichman?

Mr. KALMBACH. No, sir, I did not.

Mr. DASH. You did—your calendar shows an 8:15 a.m. breakfast with Mr. Ehrlichman on August 29 which was about the time you were making this decision. Did you discuss it with him at that breakfast?

Mr. KALMBACH. No, I did not. I don't recall, Mr. Dash, that I ever discussed this with Mr. Ehrlichman after making that decision.

Mr. DASH. Did you tell John Dean anything?

Mr. KALMBACH. Well, I just simply told him that I would do no more, and I advised Mr. LaRue, too, that I could do no more.

Mr. DASH. Now, during the months of July and August were you in frequent contact with Mr. LaRue to receive instruction for distributing these funds?

Mr. KALMBACH. I think during that time that my contacts again—I don't remember whether they were with Mr. LaRue or Mr. Dean, they were interchangeable in a sense, but there were instructions to disburse the funds right up to, I think the last instruction I received was in, oh, again my memory tells me 17 or 18 of September.

Mr. DASH. Were the instructions to distribute the remainder of the funds immediately?

Mr. KALMBACH. Yes. I think the words were there was a—the direction was for me to have the funds disbursed immediately to Mrs. Hunt, and then the balance of the funds to Mr. LaRue, which was the first time that I can recall that Mr. LaRue received funds.

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Mr. DASH. All right. Did you request a reconciliation of your cash records with LaRue in the last money you distributed?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Tell us about the reconciliation and where it took place?

Mr. KALMBACH. Again, my memory is that the reconciliation was probably on the 21st of September.

Mr. DASH. Who was there, where did it take place?

Mr. KALMBACH. I think it took place in Mr. Dean's office, and I think that Mr. LaRue was present, and I was—that is my recollection as to the date, and at that time I just went through the, my entire record that I had in my notes indicating the total funds received, total disbursed, and those, in that income and outgo, agreed with Mr. LaRue's records.

Mr. DASH. Do you recall what that total amount was?

Mr. KALMBACH. Beg pardon?

Mr. DASH. Do you recall what the total amount was?

Mr. KALMBACH. I think it was approximately \$220,000.

Mr. DASH. What happened, what did you do with your notes at the termination of the meeting?

Mr. KALMBACH. I then destroyed the notes.

Mr. DASH. Where?

Mr. KALMBACH. In his office, in Mr. Dean's office.

Mr. DASH. How were they destroyed?

Mr. KALMBACH. Well, my recollection is that I asked him to shred my notes, and he was smoking, and I am not sure who used matches, but the notes were destroyed.

Mr. DASH. Were you ever again, Mr. Kalmbach, asked to raise money for the defendants, after you broke off, decided in September that you would not do it anymore for the concerns that you have expressed, were you ever again requested to do the same thing?

Mr. KALMBACH. Yes, I was.

Mr. DASH. Could you tell us when you can recall that happening and who was there?

Mr. KALMBACH. I think I may have been approached once or twice after the September 21 meeting, but I remember with great particularity a meeting that occurred on the 19th of January in Washington, in Mr. Mitchell's office.

Mr. DASH. Who was there with Mr. Mitchell?

Mr. KALMBACH. There was Mr. Mitchell, Mr. Dean, Mr. LaRue, and myself.

Mr. DASH. Would you please tell us very briefly what the discussion was, who said what, what you said?

Mr. KALMBACH. I had been asked by Mr. Dean at a meeting held just minutes before at Blair House that Mr. Mitchell wanted to see me in his office, and I recall that it was a rainy afternoon and we ran through the rain a half block to 1701 Pennsylvania, went up to Mr. Mitchell's office, and when we walked into his office we joined Mr. Mitchell, who was seated at his desk, and Mr. LaRue who was also in the office. After we were seated and after the opening amenities, I think it was Mr. Dean that led the conversation and immediately I could see that the purpose of this meeting was to ask me to raise additional funds. And immediately, as soon as that became known, Mr. Dean said the need for raising additional funds for lawyers and for family support,

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Mr. LaRUE. Certainly not in this time period, Mr. Dash. There would have, I think, been—I did have conversations later on with Mr. O'Brien, but there would have been, I think—

Mr. DASH. What about Mr. Parkinson, did you meet with him during this period of time in the summer of 1972?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you have any discussions with Mr. Parkinson concerning the defendants' needs?

Mr. LaRUE. Here again, Mr. Dash, I think not in this time period. I think the first discussions I had with Mr. Parkinson regarding the money for the defendants would have been, oh, in the later part of September or October.

Mr. DASH. All right now, did you attend meetings during the summer and early fall, actually the summer, June, July, and August, at which Mr. Magruder discussed the story of his testimony which he was going to give to the grand jury?

Mr. LaRUE. Yes, sir.

Mr. DASH. Who was present at the meeting?

Mr. LaRUE. Mr. Dash, I would like to clarify that. The first meetings that were held or that I attended discussing Mr. Magruder's story, discussing cover stories as it has been called, I think was in relationship to his FBI interview, not grand jury testimony.

Mr. DASH. What time was that—in June or July?

Mr. LaRUE. That would be July, I think a period of around the middle of July.

Mr. DASH. Actually the first time he really testified before the grand jury on the so-called cover story was August 16, 1972. Do you recall, prior to August 16, meetings with Mr. Magruder in which Mr. Magruder indicated what he was going to tell the grand jury?

Mr. LaRUE. Yes, sir; I do.

Mr. DASH. Who was present?

Mr. LaRUE. Mr. Mitchell, Mr. Mardian, as I recall, Mr. Mitchell, I think Mr. Mardian, Mr. Dean, Mr. Magruder and myself. I recall a later meeting, which Mr.—some of the PR people.

Mr. DASH. You knew then exactly what Mr. Magruder planned to tell the grand jury, did you not?

Mr. LaRUE. Yes, sir.

Mr. DASH. And since you have already testified that Mr. Magruder, about a week after the break-in had told you everything he had done, and everything that he has already told this committee, you knew that story was a false story?

Mr. LaRUE. Yes, I did.

Mr. DASH. And I take it to your knowledge most of those attending knew that?

Mr. LaRUE. Mr. Dash, I can only speak from my own knowledge.

Mr. DASH. Now, did you and Mr. Kalmbach meet again in Mr. Dean's office on September 19, 1972?

Mr. LaRUE. As I recall, yes, sir.

Mr. DASH. Will you tell us what happened at that meeting?

Mr. LaRUE. Mr. Kalmbach indicated that he wished to get out of it—his role concerning the payments to defendants—that he did not wish to continue this any longer, and he gave an accounting of his activities and payments, not his activities, but he gave us an accounting of the payments to the defendants at that time.

Mr. DASH. And then he was sort of excused or discharged from his responsibilities?

Mr. LaRUE. Yes, sir.

Mr. DASH. Will you tell us what happened to the records of his accounting?

Mr. LaRUE. Those records were burned.

Mr. DASH. Were they burned right there in the office?

Mr. LaRUE. Yes, sir, he had records, as I recall, a very small sheet of paper and they were put in an ash tray and burned.

Mr. DASH. Now, did Mr. Kalmbach have any money left over that he had not expended?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did he turn that money over to you?

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know about how much that was?

Mr. LaRUE. My recollection is approximately \$30,000.

Mr. DASH. Now, Mr. LaRue, did you then take on the responsibility of carrying out the transfer of funds for legal defense of the defendants and support of families?

Mr. LaRUE. As the events occurred, I did. I did not realize at the time I had assumed the role, Mr. Dash.

Mr. DASH. How did it come about after Mr. Kalmbach bowed out for reasons I think he has testified before this committee that you then were the one to undertake this assignment or responsibility?

Mr. LaRUE. I was the one who had the cash.

Mr. DASH. You had the money?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, did you, about late September or early October, transfer some money to Mr. Bittman who is——

Mr. VINSON. Excuse me, Mr. Dash, I think the record should show at this time that all of Mr. LaRue's testimony with respect to—I think the record should show at this time that Mr. LaRue's testimony with respect to receipt of moneys and with respect to disbursement of moneys is the result of a reconstruction and in no way can he be precise. He has sat down in hindsight and reconstructed it as best he can.

Mr. DASH. I think we understand that, Mr. Vinson. Thank you for that comment.

Mr. LaRue, with regard, however, to the period late September—early October 1972, did there come a time when you made a transfer of money to Mr. Bittman, the attorney for Mr. Hunt?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us how much you gave Mr. Bittman?

Mr. LaRUE. As I recall, \$25,000.

Mr. DASH. Now, could you state how this was carried out? What was the manner in which you contacted Mr. Bittman and made the payment?

Mr. LaRUE. I contacted Mr. Bittman, I used the name of Mr. Baker.

Mr. DASH. Mr. Baker?

Mr. LaRUE. Baker. I told——

Mr. DASH. How did you call him? Did you call him at his office?

Mr. LaRUE. I called him at his office, yes, sir. Told him I was a

1 Q Do you recall whether he had notes or some kind of
2 written material from which he made this accounting?

3 A Yes. He had a small slip of paper which he had been
4 carrying in his wallet. He took this small piece of paper out
5 of his wallet and had written in a very small print these
6 figures and he read them to LaRue.

7 I don't recall whether LaRue made any notes or not,
8 but after Kalmbach had done his reporting, there was sort of
9 a ceremonial burning of the piece of paper in an ashtray on my
10 desk.

11 Q Mr. Kalmbach burned the paper himself?

12 A Yes.

13 Q Now during July, August, and September of 1972, did
14 the demands that were being communicated from the defendants
15 continue?

16 A Yes, they did.

17 Q Mr. Dean, was it on account of these continuing
18 demands that Mr. Kalmbach had to raise additional money as time
19 went along?

20 A That's correct.

21 Q To your own personal knowledge, who knew about the
22 payments that were being made to the defendants?

23 A Mr. Haldeman, Mr. Ehrlichman, Mr. Mitchell, of course
24 Kalmbach.

25 Q I take it you personally had conversations with Mr.

September 19, 1972

MEMORANDUM TO: Mr. William O. Bittman

FROM: Dorothy Hunt

RE: Contact made on above date and distribution on same date

I received a call from Mr. Rivers at noon on the above date and arranged to pick up what he "was able to scrape up on such short notice". I asked the amount and was told \$53,500. I then asked what distribution was to be made and was told that it was up to me, but that I would be accountable at our next conversation. I informed Mr. Rivers that Mr. Liddy had telephoned me the previous night and informed me that since he would be in court on the 19th, he would appreciate it if I could handle any contact for him.

Mr. Rivers said he had not arranged anything about Mr. Liddy (a fact I am not going to pass on to Mr. Liddy as I feel it will anger him), and asked me to spread the \$53,500 out to include Mr. Liddy and his attorney as well as Mr. McCord. He concluded that he would be in touch with me again when he could and repeated that this amount was all he was able to scrape up on such short notice. I thanked him.

Distribution as follows:

\$13,000	to Mr. Barker for Mr. Rothblatt
\$13,000	to Mr. McCord for Mr. Bailey
\$13,000	to Mr. Liddy for Mr. Marlius
\$ 5,000	to Mr. Barker for 2 Assts. to Mr. Rothblatt
\$ 5,000	to Mr. Liddy for compensation of 2 months salary
\$ 1,000	to Mr. Liddy for Bail
\$ 1,000	to Mr. Hunt for Bail
\$ 1,000	to Mr. Barker for travel for 4 persons from Miami
\$ 1,500	to Mr. Barker for Mr. de Felipe for attorney and expenses
<hr/>	
\$53,500	

30. In October 1972 CRP attorney Kenneth Parkinson told Fred LaRue and John Dean that William Bittman, Hunt's attorney, needed additional money for legal fees. Using the alias "Mr. Baker," LaRue contacted Bittman and caused cash (\$25,000 or \$20,000) to be delivered to Bittman's office. The package was received at Bittman's office in Hunt's presence. LaRue has testified that he understood the money was for legal fees for Bittman.

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30.2 E. Howard Hunt testimony, SSC Executive Session, September 11, 1973, 213-14.....	388

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Mr. DASH. And then he was sort of excused or discharged from his responsibilities?

Mr. LaRUE. Yes, sir.

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Mr. LaRUE. I contacted Mr. Bittman, I used the name of Mr. Baker.

Mr. DASH. Mr. Baker?

Mr. LaRUE. Baker. I told—

Mr. DASH. How did you call him? Did you call him at his office?

Mr. LaRUE. I called him at his office, yes, sir. Told him I was a

friend of Mr. Rivers and that there would be a package delivered to his office shortly.

Mr. DASH. Who asked you to make that call? Who requested that money, do you know?

Mr. LaRUE. As I recall, Mr. Dash, this resulted out of a conversation that Mr. Parkinson had with Mr. Bittman which he relayed to Mr. Dean and I, citing the need for some attorney's fees for Mr. Bittman.

Mr. DASH. Did you know from that discussion that Mr. Parkinson had been with Mr. Bittman and then relayed to you and Mr. Dean how much money was to be paid?

Mr. LaRUE. Yes, sir.

Mr. DASH. How much was that, did you say?

Mr. LaRUE. \$25,000.

Mr. DASH. Then you told Mr. Bittman on the telephone that this package would be delivered?

Mr. LaRUE. Yes, sir.

Mr. DASH. How was it delivered?

Mr. LaRUE. It was delivered by messenger to his office. It was in a package directed to Mr. Bittman marked personal, confidential.

Mr. DASH. And this was in cash?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, did the messenger who delivered that package to Mr. Bittman know what his assignment was, what was in the package and what he was doing?

Mr. LaRUE. Oh, absolutely not.

Mr. DASH. I think to make the record clear, Mr. LaRue, when you made that payment to Mr. Bittman, did you have any understanding as to the reason that payment was being made?

Mr. LaRUE. My understanding was that this was legal fees for Mr. Bittman.

Mr. DASH. And did you think that this was being paid for humanitarian reasons?

Mr. LaRUE. Mr. Dash, my understanding of the payments of money to the defendants were or is that this money was paid to satisfy commitments that had been made to them by someone I do not know, but had been made, commitments had been made to them at some point in time, and—

Mr. DASH. Commitments made by people who had something to do with authorizing the original activity?

Mr. LaRUE. Yes, sir.

Mr. DASH. And that you were really carrying out the responsibility based on those commitments?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did it occur to you that if those payments were not made, there may be some embarrassment in the reelection campaign?

Mr. LaRUE. This certainly occurred to me, yes, sir.

Mr. DASH. Now, when and where was your next payment to Mr. Bittman?

Mr. LaRUE. As I recall, Mr. Dash, this was made in December, the amount approximately \$50,000.

Mr. DASH. Now, who gave the instructions about that payment?

Mr. LaRUE. Who gave the instructions?

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E. Howard Hunt, SSC executive session, Sept. 11, 1973

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a complete listing of those previously mentioned.

Mr. Hunt. I would say no, if I understand your question correctly.

Mr. Armstrong. The date of the \$50,000 reimbursement you placed in approximately January of 1973?

Mr. Hunt. The date or dates, because I cannot recall whether it came in one sum -- I am led to believe, refreshing my memory, that I received an initial sum of 35 and subsequently two weeks later, something like that, I got \$15,000, which combined make up the sum of \$50,000.

Mr. Armstrong. Was there any cash transaction in the September-October period of approximately \$25,000 to you by Mr. Bittman?

Mr. Hunt. September-October period?

Mr. Armstrong. Right, 1972.

Mr. Hunt. I have no recollection of any such transfer, no, sir. We are talking about Bittman rather than to my wife?

Mr. Armstrong. Yes, sir.

Mr. Hunt. I have no knowledge of any such sum.

(Discussion off the record.)

(Reporter read back.)

Mr. Hunt. In October I believe I testified I was present when the sum of \$25,000 was received at Mr. Bittman's office.

I am assuming your question has to do with a transfer beyond

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that particular one.

Mr. Shure. He told us about that.

Mr. Armstrong. My question is, was there any additional money in the envelope other than the \$20,000?

Mr. Hunt. Not to my knowledge.

Mr. Armstrong. The money was counted, it was \$20,000, and turned over in its entirety to Mr. Bittman?

Mr. Hunt. To the best of my recollection, yes.

Mr. Armstrong. Was there a later time, again in the December-January period, when in addition to \$50,000 received there were envelopes of 25 and \$35,000 also received by Mr. Bittman and handed to you?

Mr. Hunt. Perhaps it would be best at this point if I went through what I actually received, because your questions are a little bit off my particular beam.

Senator Saxbe. Excuse me.

Would it clarify things and simplify things if you could preface your question by a statement "except for the things you have already testified to"?

Mr. Armstrong. We are talking about during that period of December -- I am concerned about December-January, any cash receipts there. Mr. Hunt has already testified about one or two checks.

Mr. Hunt. Not checks.

Mr. Armstrong. I am sorry, that he received in one or

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31. On November 10, 1972 John Dean met with Donald Segretti in Palm Springs, California. Dean taped a conversation in which Segretti described his disruption of the campaigns of candidates for the Democratic presidential nomination during the period he was employed by Dwight Chapin. On November 11, 1972 Dean was called from Palm Springs to Key Biscayne, Florida where H. R. Haldeman and John Ehrlichman had accompanied the President. Dean flew to Florida and reported on Segretti to Haldeman and Ehrlichman. Segretti has testified that in mid-November 1972 Dean offered him a position in Montego Bay, Jamaica, at a salary of about \$35,000 per year.

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31.1 John Dean testimony, 3 SSC 965-66.....	392
31.2 Donald Segretti testimony, 10 SSC 3984-85, 4018, 4052.....	394
31.3 John Ehrlichman testimony, 7 SSC 2760, 2803.....	398
31.4 <u>United States v. Segretti</u> indictment, September 27, 1973, 1-4.....	400

Accordingly, I helped Kalmbach prepare for his FBI interview, and he later informed me it had gone well, that they had not asked questions unrelated to the Segretti matter, and he volunteered nothing.

On October 10, 1972, an article based on leaked FBI information reported the Segretti story for the first time publicly. Following the October 10 story there commenced a series of stories involving Chapin, Strachan, Kalmbach, and, later, Haldeman. These stories created a new frenzy in the White House press office as to how to deal with the stories.

On Friday, the 13th, I had left Washington to go to Florida to spend several weeks on a honeymoon, but was abruptly called back to Washington on Sunday, October 15, because of the cascading leaked stories regarding Segretti. When I returned, I went to the White House where a meeting was in session in the Roosevelt room. In attendance at the meeting were Ehrlichman, Ziegler, Buchanan, Moore, and Chapin. The purpose of the meeting was to prepare Ziegler for his press briefings on the Segretti-related stories. For a reason that I cannot explain, a secretary to Mr. Chapin was present and taking notes during parts of the discussions and hypothetical questioning and answering of Mr. Ziegler. I believe this is one of the rare occasions where the preparation of a Ziegler briefing was actually recorded and I have submitted to the committee a copy of the notes recording parts of that session.

[The document referred to was marked exhibit No. 34-24.*]

Mr. DEAN. I might also add that this session was not unlike many other sessions that had preceded it and that were to follow it in preparing Ziegler to meet with the White House press corps. It would, however, take me another 200 pages to give that story. After Segretti became the subject of intense inquiry by the press, Ehrlichman suggested that I advise Segretti to go incognito and hide from the press and avoid further stories that might result from press interviews of him. I so advised Segretti and he came to Washington in late October, because he was very distressed about the fact that a number of people were issuing what he considered to be inaccurate and false stories regarding his activities.

When Segretti arrived in Washington, he was met by Mr. Fielding and myself to discuss whether he should issue a press statement himself at that time. This subject was also discussed in a meeting at Mr. Chapin's office attended by Ziegler, Ehrlichman, Chapin, and myself, and later by Fielding after he had received a draft copy of Segretti's proposed press statement. It was decided that it would be unwise for Segretti to issue the statement, so he commenced his travels around the United States once again to avoid the press. Mr. Segretti would periodically call me to tell me that he was in some small town and had not seen a newspaper or television for several days and was curious to know what they were saying about him. I would give him a summary report as to the press coverage.

Following the election, I was asked by Haldeman and Ehrlichman to meet with Segretti to determine the extent of the involvement that Chapin and Strachan had had with him. Segretti at this time was in Palm Springs, Calif., where he had been spending the last week before the election in the desert. I arranged to meet with him on November 10 in Palm Springs, and had planned to spend a week myself relaxing after the election in Palm Springs. On November 10 I met with

*See p. 1200.

Segretti and, pursuant to an arrangement between Segretti and myself, I agreed to tape the interview with him, with the understanding that I felt it was privileged under the doctrine of executive privilege and that it would never be released. I have submitted the tape of that conversation between Segretti and myself to the committee pursuant to a subpoena issued for the material.

My visit to Palm Springs was abruptly interrupted when I received a call on November 11 from Mr. Todd Hullin, Ehrlichman's assistant, requesting that I come to Florida where Ehrlichman and Haldeman were accompanying the President, to report on my interview with Segretti.

Accordingly, I flew to Florida immediately and met with Haldeman and Ehrlichman on November 12 and played the taped interview I had had with Segretti for them. I recall that while I was discussing this matter with Ehrlichman and Haldeman, the President requested that Haldeman come over to see him. I was surprised on this occasion, as I had been on other occasions when a similar situation had occurred, that Haldeman sent a message back to the President that he was meeting with me and would be over shortly to report. I was surprised that my reporting on Segretti would take precedence over Haldeman's responding to an immediate request of the President.

On November 13, 1972, I arranged to meet with Mr. Haldeman and Mr. Ehrlichman at Camp David on another subject, which I will discuss later. During the first part of the meeting, however, the subject of Chapin's remaining at the White House came up, and I learned that the President had made a decision, based on the information that had been imparted to Haldeman and Ehrlichman in Florida, that Mr. Chapin would have to leave the White House staff. Before going to Camp David, I was aware of this subject being under discussion and Mr. Moore and I had talked about it. Moore felt that the President should merely issue a letter of censure to Chapin and let it go at that, but Moore was unaware of the contents of the tape and had never heard it. Pursuant to requests of Moore, however, I did raise his suggestion with Ehrlichman and Haldeman. Haldeman said that he was personally too close to Chapin to make a judgment on such a thing and that if it was going to be done, it was going to be reraised with the President it would have to be done so by Ehrlichman. Ehrlichman said that he did not think that it was possible to reraise the matter and subsequently Chapin resigned from the White House staff.

DISCUSSIONS OF A WRITTEN DEAN REPORT

As the press accounts of Segretti's activities lingered on after the election as well as the continuing Watergate stories, there was serious discussion about putting out the facts. In late November, I recall a conversation with Haldeman in his office. We talked about the facts and he asked my opinion about what would happen if we put them out. I told him that I thought that the then pending trial would be put back into a grand jury and it was very likely that Mitchell, Magruder, Strachan, Ehrlichman, Haldeman, and Dean could be indicted. He asked me to elaborate. I said I had no idea nor did I have full knowledge of what happened before June 17 but I did know that there is a good possibility that any reconvened grand jury could get into questions of obstruction of justice which would lead right to us.

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At this point I would like to state to the committee that at no time did I ever have any knowledge of, nor did I participate in, the Watergate burglary or any activity involving electronic surveillance.

It is possible that I may have met Mr. Warren on a third occasion, but I am unsure at this time.

On April 1, 1972 (April Fools' Day), in Milwaukee, Wis., Mr. Benz and I distributed a flier advertising a free all-you-can-eat lunch with drinks at Hubert Humphrey's headquarters. I have given the committee and the Special Prosecutor's Office a copy of the flier. There was, of course, no such party.

Also in April of 1972, in response to a telephone call from Mr. Warren, I flew to Washington, D.C. I had Mr. Kelly meet me there. Senator Muskie was to have a fundraising dinner at the Washington Hilton Hotel, and Mr. Kelly and I, ostensibly acting for Muskie organizers, ordered flowers, pizzas, and liquor for the campaign workers. In addition, we invited certain foreign guests and provided for their delivery to the dinner by chauffeured limousine. A magician was also hired to attend the dinner and to entertain. We also made inquiries about renting an elephant, but were unable to make the necessary arrangements. The purpose of all this was to cause confusion at the Muskie dinner. Mr. Kelly and I also distributed a flier stating, "Come. Protest the Fat Cats With Signs." This was in reference to the Muskie dinner. Mr. Kelly and I constructed various protest signs, but no one showed up to protest.

During 1972, I performed activities of a similar, but less extensive and significant nature, in other States. I have given a full statement to this committee's staff regarding these events. I believe my activities in these other States produced little, if any, commotion, and do not need to be elaborated on in this statement. I also feel that many innocent persons would be hurt if I were to disclose the names of all persons I contacted in my travels. Most of these persons are completely innocent of any wrongdoing, and to publicly disclose their names would be a great disservice to them. I have given the committee's staff a complete list of all persons whose names I can recall. I understand that both the committee's staff and the prosecutor's office have investigated my activities in an intensive manner. I would, therefore, beg the indulgence of this committee that I not be forced to publicly disclose the names of innocent persons, which could only damage their reputations unduly without serving any legitimate legislative purpose.

In July of 1972, Mr. Kelly and I made arrangements for a small plane to fly over the Democratic Convention center with a trailer reading: "Peace, Pot, Promiscuity. Vote McGovern." This was my last political activity of the 1972 campaign.

After newstories began mentioning my name, I sought legal counsel from Mr. John W. Dean. I met Mr. Dean through Mr. Chapin and Mr. Strachan. Over a period of months, Mr. Dean acted as my lawyer, and I confided in him in this capacity. At Mr. Dean's request, I made a tape recording explaining my activities in 1971 and 1972, and gave it to him. I also prepared a written statement and gave it, along with many documents, to an attorney in Los Angeles, Calif., who was suggested as counsel by Mr. Dean. It is my understanding that this attorney sent to Mr. Dean copies of the material left with him, and that Mr. Dean subsequently turned over said material, which were obviously

L intended to be confidential and part of the attorney-client privilege, to this committee. Although I feel that Mr. Dean betrayed my confidence, I do wish to state that at no time did he tell me to be anything but honest and truthful with the Federal Bureau of Investigation and the U.S. attorney's office.

This general statement was prepared with the advice and assistance of my present counsel, Victor Sherman of Los Angeles, Calif., and was not intended by us to be a complete statement of all my activities during the months in question. I am sure that this committee is now aware that my activities have been blown out of all proportion by the news media. I accept the fact that most of my present problems are the direct result of my own conduct. However, I cannot help but feel that I have been abused by rumor, character assassination, innuendo, and a complete disregard for the privacy of myself, my friends, and my family. I have literally had to avoid the onslaught of the media during the past year, and their attempts to get a story at all costs. I understand that under various guises, some of the news media illegally obtained my telephone, bank account, and credit card records, and generally conducted their investigations without any concern for my rights. Nevertheless, this in no way lessens my sincere belief that my activities were wrong and have no place in the American political system. To the extent my activities have harmed other persons and the political process, I have the deepest regrets. I am now ready to answer the questions of this committee.

Mr. DASH. Mr. Segretti, your statement has been quite full. You have already indicated how you first came to know Mr. Dwight Chapin and Mr. Gordon Strachan. As you have indicated in your statement, you knew them as college classmates at the University of Southern California.

Mr. SEGRETTI. That is correct, Mr. Dash.

Mr. DASH. Now, at the time Mr. Strachan and Mr. Chapin were in touch with you while you were in the Army in 1971, and also during the period of July 1971 to June 1972, do you know what Mr. Chapin, Mr. Dwight Chapin's position was?

Mr. SEGRETTI. He was employed at the White House and I believe his position at that time was Presidential appointments secretary.

Mr. DASH. And do you know what Mr. Strachan's, Mr. Gordon Strachan's position was?

Mr. SEGRETTI. All I knew at that time was that he was employed at the White House.

Mr. DASH. Did you come to know that he was an assistant to Mr. Haldeman?

Mr. SEGRETTI. I did, but that was much later into 1972.

Mr. DASH. Now, after the series of contents you have included in your statement, you did in fact come to Washington on June 23, 1971, to meet with Mr. Strachan and Mr. Chapin?

Mr. SEGRETTI. Mr. Dash, I am not quite certain of the exact date on that, but it is approximately that period of time.

Mr. DASH. Do you recall where you met Mr. Chapin?

Mr. SEGRETTI. I had dinner with Mr. Chapin and Mr. Strachan at Mr. Strachan's residence.

Mr. DASH. And it was at that time that Mr. Chapin began to discuss with you the job opportunities that he had been talking to you about on the telephone?

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I called him up and I asked him if he knew of anybody that might want to get involved in political activity. He gave me the name of an individual, and I called him up and he said he was not interested. That was the extent of it.

Senator INOUE. Did you describe to the district attorney the scope of your political activity?

Mr. SEGRETTI. No; I did not.

Senator INOUE. Before the election day, besides Mr. Chapin, Mr. Strachan, and Mr. Porter, were there others in the White House who were aware of your sabotage activities?

Mr. SEGRETTI. Senator, I did not know Mr. Porter. I have never met Mr. Porter. As a matter of fact, before all this publicity, I did not even know the name of Mr. Porter.

Senator INOUE. Besides Mr. Chapin, Mr. Strachan, and Mr. Dean, were there others who were aware of them?

Mr. SEGRETTI. If there were, I have no knowledge of that.

Senator INOUE. Besides Mr. Kalmbach, Mr. Hunt, and Mr. Liddy, were there others in the Committee To Re-Elect the President who were aware of your special activities?

Mr. SEGRETTI. I don't know whether Mr. Kalmbach was at any time. So far as Mr. Hunt, his knowledge of what I was doing was extremely limited. Mr. Liddy's knowledge of what I was doing or Mr. Leonard, if that is Mr. Liddy—and I assume at this time that it was—was also extremely limited.

Senator INOUE. In mid-November of 1972, Mr. Dean is supposed to have offered you a job in Montego Bay for about \$35,000.

Mr. SEGRETTI. What was that date again, Senator?

Senator INOUE. Mid-November 1972.

Mr. SEGRETTI. That is about the time frame; yes, sir.

Senator INOUE. What was the purpose of this?

Mr. SEGRETTI. The purpose of him offering me a job?

Senator INOUE. Was this to get you out of town?

Mr. SEGRETTI. It could have been. It was not communicated to me as such, but that could very well have been the reason.

Senator INOUE. Do you know a Mr. Alex Shipley?

Mr. SEGRETTI. Yes, I do.

Senator INOUE. Mr. Shipley has indicated that you said the following: "Nixon knows that something is being done. It is a typical deal. Don't tell me anything and I won't talk."

What did you mean by this, sir?

Mr. SEGRETTI. I am not really sure, Senator. For one thing, that statement is attributed to me and it occurred 2 years ago, practically. Mr. Shipley at that time when I—I knew him in the military service. At the time I contacted him, he apparently, as soon as I contacted him, contacted a friend of his who was on the Democratic staff committee or something, and subsequently contacted the Washington Post to tell them that somebody had contacted Mr. Shipley. So it is really hard for me to really say what I meant by that, for the reason that I don't really recall saying that.

Senator INOUE. Weren't you trying to recruit Mr. Shipley?

Mr. SEGRETTI. Yes, I was, but I had no knowledge whether Mr. Nixon or President Nixon knew anything that I did.

Senator WEICKER. I see. I have no further questions.

Mr. DASH. Mr. Chairman, I do not want to extend the hearing but I think I want to make sure our record is clear. I think, as our record from a prior phase of this hearing already shows, that the only reason the FBI gave, and the U.S. attorney gave, for not pursuing this particular matter is there was a belief that dirty tricks did not involve criminal behavior.

Mr. Segretti, you now have pleaded guilty, have you not?

Mr. SEGRETTI. That is right.

Mr. DASH. In the U.S. district court. To what have you pleaded guilty?

Mr. SEGRETTI. To three counts of 18 U.S.C. 612, which is distributing or causing to be published unauthorized campaign literature, in other words, not properly attributed to the source.

Mr. DASH. And if, in fact, Mr. Silbert had pursued all of the questions he could have pursued concerning your activities, your testimony before this committee is you would have told him everything that you have done. You would not have withheld anything from Mr. Silbert?

Mr. SEGRETTI. Well, I do not know how I would have acted—reacted to that. I may have taken the fifth amendment at some point. I just do not know.

Mr. DASH. But you did not have that opportunity because Mr. Silbert did not pursue all these questions with you; did he?

Mr. SEGRETTI. No, he did not.

Mr. DASH. I have no further questions.

Senator ERVIN. I understood you to say you told Mr. Silbert you had engaged in certain activities for which you had been paid by Mr. Kalmbach, and you outlined in a general way what the nature of those activities were.

Mr. SEGRETTI. Very general, Senator.

Senator ERVIN. Yes. And there was nothing to prevent him from asking you any further questions if he had had any desire to learn any more?

Mr. SEGRETTI. No. I believe that is correct. The door may have opened at that point.

Senator ERVIN. Any further questions?

Mr. Segretti, I want to thank you on behalf of the committee for the cooperation that you have given us—the full cooperation. You have answered all our questions freely, including those where you relied on the attorney-client privilege that existed between you and John Dean, and it has been very helpful to the committee. You apparently made a frank disclosure of things, and you have not tried, so far as I can tell, to evade answering any question you thought we were entitled to have answered.

Mr. SEGRETTI. Thank you, Senator. I would like to say it certainly has not been easy for me or anybody in my position to make some of these disclosures because, certainly, I regret sincerely many of the acts I was engaged in. However, I do feel it was necessary, and hopefully this will, to some extent, in the future prevent other individuals from getting in the posture that I am today.

I do feel a benefit from these hearings, at least in this area, will more or less cleanse the system for some time to come. Thank you.

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He told me a number of things, and I have tried to make a list of them here and I will give them to you. He told me about the general facts of the surveillance of the Democratic National Committee headquarters, the fact that the Howard Johnson Motel had been employed as a listening post, the fact that a hotel room in the Watergate Hotel had been found which had some of the burglars' possessions in it. The fact that they used fictitious names and papers, and that they had large quantities of money in \$100 bills. He told me about the fact that Hunt had a safe still at the White House, and then I testified previously to the meetings, the meeting which we held Monday afternoon to try to determine the facts with regard to Hunt's employment at the White House, and that was as a result of a report from Mr. Dean.

Senator MONTORA. Well, did you feel, Mr. Ehrlichman—I do not want to go into all the details—did you feel Mr. Dean was telling you almost everything he was uncovering on a day-by-day basis?

Mr. EHRLICHMAN. That was certainly my assumption, Senator, yes.

Senator MONTORA. Did this continue after the first 2 weeks?

Mr. EHRLICHMAN. No, sir; before very long I left the city, I believe it was the 26th—well, I will have to check that. Well, of course the 24th and 25th I was away. The President went to Harrisburg to see the results of the Agnes flood and we were gone those 2 days, and then the 29th I left for a trip to Springfield, Ill., Lansing, Mich., northern California, and finally ended up at San Clemente.

Senator MONTORA. I think we can save some time, Mr. Ehrlichman; I just want to go through with you, the communications that you had with Mr. Dean with respect to Watergate over the long span up until April 15, 1973.

Mr. EHRLICHMAN. All right, sir. I think—

Senator MONTORA. I mean in a general way.

Mr. EHRLICHMAN. I have that in summary form and perhaps I can give that to you rather quickly. In the month of June I saw him nine times, and eight of those times related to Watergate.

Senator MONTORA. All right.

Mr. EHRLICHMAN. In the month of July, I saw him three times and only two times related to Watergate. In the month of August, four times of which two—no, pardon me, none related to Watergate. September, three times, and I am not able to tell you as to what. One of those meetings was with regard to the foreign grain sales and I don't know what the other two were. October, I saw him twice; once was the Common Cause lawsuit and I don't know what the other one was. November, I saw him four times; one was with regard to the Watergate, two with regard to Segretti which I guess you lump into that general subject. December, five times, twice on the subject of Watergate.

January, seven times of which Watergate could be considered to have been the subject of three of those meetings. February, five times, three of which, including La Costa, were on the subject of Watergate. March, three times, and one of those times was with regard to the Hunt blackmail; well, actually two of those were, and the other one the question of testimonial appearance.

Senator MONTORA. Was that in March?

Mr. EHRLICHMAN. Yes, sir.

the whole picture, be set down on paper and released, and I have gone through my notes of meetings at which this subject was discussed, and can say that on at least eight occasions the President made that request.

Senator INOUE. Did the President ever receive satisfaction?

Mr. EHRLICHMAN. No, sir, and, I think, one of those occasions was just prior to his sending John Dean to Camp David and set all this down in March of this year, but he asked Clark MacGregor to do this back in September, he asked for a statement on a narrow part of this, on Segretti, in November. In November later in the month, around Thanksgiving time he asked that, in response to a letter that he had received from a friend about this expressing real concern about it he said that, he wanted this cleaned up before the Congress came back, that a complete definitive statement go out. He did the same thing again on December 8 where he instructed John Dean to do a Watergate summary. He did the same thing on December 11 and said he wanted that statement by Christmas. Again he did it prior to our meeting in La Costa on February 10 and one of the major purposes of that meeting was to impress upon Mr. Dean the urgency for such a statement. He did it again in my presence in a conference with George Bush on March 20, and again on March 22 in this meeting that Mr. Mitchell, Dean, Haldeman, and I had with the President where he said that he wanted John Dean to complete such a statement by that weekend.

Senator INOUE. Were you aware, when did you become aware of the President's request to Mr. MacGregor?

Mr. EHRLICHMAN. On September 13.

Senator INOUE. Didn't you know at that time Mr. MacGregor hadn't any information to give?

Mr. EHRLICHMAN. Well, the information had been given in Mr. MacGregor's presence and in the President's presence by the Attorney General, Mr. Kleindienst on the previous day, at which time Mr. Kleindienst assured the Cabinet and Mr. MacGregor and others assembled that in point of fact no one in the White House was involved, that the investigation had been extremely vigorous by the Department of Justice, that the seven persons responsible had, in fact, been indicted, and he gave a total endorsement to the method of investigation, and the results of that investigation.

The President felt that there were ample facts available at that point for Mr. MacGregor to do a definitive statement.

Senator INOUE. How do you respond to Mr. MacGregor's statement that he was "lied to" by you.

Mr. EHRLICHMAN. Well, I think that what Mr. MacGregor has done, I saw that in the press over the weekend, Mr. MacGregor has said, "Yes, they asked me to make a statement back in July, August, and September but I should have known about the CIA and I should have known about the special unit, and I should have known about other things that were happening in the White House." It seems to me that, if I may say so, that is an irrelevancy. In point of fact, back in the convention and immediately after the convention days, and following up on the Attorney General's complete report on September 12 to the President, Mr. MacGregor and others, that Mr. MacGregor

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA : **cc 828-73**
v. : CASE NO. 73-153-CR-T-K
DONALD H. SEGRETTI : (18 USC 612, 2, 371)✓
FILED

The Grand Jury charges:

SEP 27 1973

COUNT ONE

JAMES F. DAVEY, Clerk

From on or about December 1, 1971, through
March 14, 1972, in Pinellas County, Florida, Hillsborough
County, Florida, and elsewhere in the Middle District
of Florida,

DONALD H. SEGRETTI,

the defendant, together with Robert Melton Benz, and
George A. Hearing, named herein as co-conspirators but
not as defendants, and others presently unknown to the
Grand Jury, did wilfully and knowingly conspire, combine,
confederate and agree together and with each other to
commit offenses against the United States, that is, to
wilfully cause to be published and distributed letters,
cards and posters which did not contain the names of
the persons, associations, committees or corporations
responsible for the publication or distribution of the
same, and relating to and concerning persons who had
publicly declared their intentions to seek the office
of President of the United States in a primary election
and convention of a political party and who caused and
permitted their intentions to do so to be publicly
declared; and in furtherance of said conspiracy and in
order to effect the objects thereof, the conspirators
committed the following overt acts:

Overt Acts

1. On or about December 1, 1971, at the Causeway Inn in Hillsborough County, Florida, Donald H. Segretti and Robert Melton Benz had a conversation, at which time they discussed the disruption of the campaigns of Senators Henry Jackson and Edmund Muskie.

2. On or about December 1, 1971, Donald H. Segretti paid to Robert Melton Benz \$50.00 for the work to be done in the disruption of the said campaigns.

3. On or about February 12, 1972, Robert Melton Benz attended a political rally for Governor George Wallace in Pinellas County, Florida, and distributed cards which stated "If you like Hitler, you'll love Wallace ... Vote for Muskie."

4. On or about February 20, 1972, Donald H. Segretti mailed a letter and a supply of Citizens for Muskie stationery and envelopes to Robert Melton Benz in Hillsborough County, Florida.

5. On or about February 25, 1972, Donald H. Segretti caused a letter which was printed upon Citizens for Muskie stationery to be distributed in the Middle District of Florida, and elsewhere. The letter alleged that certain office equipment and personnel from Congressman Gibbons' office were being utilized at the Muskie headquarters in Tampa, Florida.

6. On or about February 25, 1972, Robert Melton Benz gave to George A. Hearing the Citizens for Muskie stationery and a proposed letter for the purpose of having the proposed letter printed on the said stationery.

7. On or about March 1, 1972, posters which stated "Help Muskie Support Busing Our Children Now" were received in the mail at Tampa, Florida, by Robert Melton Benz.

8. From on or about March 1, 1972, through March 14, 1972, George A. Hearing and Robert Melton Benz distributed said posters in the Middle District of Florida.

9. On or about March 11, 1972, George A. Hearing distributed through the mails to various persons within the Middle District of Florida and elsewhere a letter printed upon Citizens for Muskie stationery which pertained to Senators Henry M. Jackson and Hubert H. Humphrey.

All in violation of Title 18, United States Code, Sections 612 and 371.

COUNT TWO

On or about February 12, 1972, in Pinellas County, Florida, in the Middle District of Florida,

DONALD H. SEGRETTI

did willfully cause to be published and distributed a card relating to Senator Edmund S. Muskie and Governor George Wallace, who had publicly declared their intentions to seek the office of President of the United States in a primary election or convention of a political party, and said card did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same; all in violation of Title 18, United States Code, Sections 612 and 2.

COUNT THREE

On or about February 25, 1972, in Hillsborough County, Florida, in the Middle District of Florida,

DONALD H. SEGRETTI

did wilfully cause to be published and distributed a letter relating to Senator Edmund S. Muskie, who had publicly declared his intention to seek the office of President of the United States in a primary election or convention of a political party, and said letter did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same; all in violation of Title 18, United States Code, Sections 612 and 2.

COUNT FOUR

On or about March 11, 1972, in Hillsborough County, Florida, in the Middle District of Florida,

DONALD H. SEGRETTI

did wilfully cause to be published and distributed a letter relating to Senators Henry M. Jackson and Hubert H. Humphrey, who had publicly declared their intentions to seek the office of President of the United States in a primary election or convention of a political party, and said letter did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same; all in violation of Title 18, United States Code, Sections 612 and 2.

A TRUE BILL


FOREMAN


JOHN L. BRIGGS
United States Attorney

32. In November 1972 Howard Hunt telephoned Charles Colson. Colson recorded the conversation. Hunt discussed with Colson the need to make additional payments for the defendants in United States v. Liddy.

Hunt said:

[T]his is a long haul thing and the stakes are very, very high and I thought that you would want to know that this thing must not break apart for foolish reasons

We're protecting the guys who are really responsible . . . but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Colson gave a tape recording of the conversation to John Dean. Dean has testified that on or about November 15, 1972 he met with John Ehrlichman and H. R. Haldeman at Camp David, Maryland and played the recording for them. Ehrlichman has testified that he does not recall ever hearing the recording. Dean also has testified that immediately after the meeting at Camp David, he met with John Mitchell regarding the defendants' money demands and played the recording for him.

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EXHIBIT No. 152

Conversation with Howard Hunt, late November, 1972

- H. . . . Hi,
C. How we doing?
H. Oh, about as well as could be expected. How are you?
C. Just about the same. Trying to hold the pieces together.
H. Congratulations on your victory.
C. Thank you. I'm sorry that we haven't been celebrating it together with some good champagne and some good Scotch, but . . .
H. There may yet come a time.
C. There may. I assure you. Before you say anything, let me say a couple things. One, I don't know what is going on here, other than, I am told that everybody is going to come out alright. That's all I know. I've deliberately not asked any specific questions, for this reason. That I have my own ideas about how things will turn out and I'm not worried about them and you shouldn't be, but I've always thought that if it came to an open trial, that I would want to be free to come into it and character and testimony and etc. etc. This way, the less details I know of what's going on in some ways the better.
H. I appreciate that.
C. If you follow. So, I have tried to stay out of asking specific questions and it's very hard for me to do that for the reason that you're an old and dear friend and I'm sure you regret [sic] the day I ever recommended you to the White House.
H. Not in the least, Chuck, I'm just sorry that it turned out the way it did.
C. Well, I am too, obviously and I hope to hell you had nothing to do with it and I've clung to that belief and have told people that and if you did have anything to do with it, I'm goddamn sure it's because you were doing what you were told to do.
H. That's exactly right . . .
C. Because you're a loyal soldier obviously and always have been . . .
H. Would you be willing to receive a memorandum from me?
C. Yea . . . the only . . .
H. Because I think it might help you.
C. Except there are things you may not want to tell me.
H. No, there's really nothing I don't want to tell you. I would think that you could receive this memorandum, read it and destroy it.
C. Nope.
H. You couldn't do that?
C. Nope. The reason I can't is the same reason your letter to me, when I got that and then I was asked by Federal authorities, did . . . had I had any communication and I said yea I've received this letter and here it is. I can't and you can't get in the position where you're purguring [sic].
H. No, of course not. And I'm afraid John Mitchell has already done.
C. The problem is, you see, I don't want to get into the position of knowing something that I don't now know for the reason that I want to be perfectly free to help you and the only way I can help you is to remain as completely unknowing as I am. See, my problem . . . let me tell you the problem. Is that . . . I could do you a lot more good by not . . . by honestly being able to testify that I don't know, I just don't know the answer and I don't. And right now I don't know anything about the goddamn Watergate. Now, supposing Teddy Kennedy holds his hearings and I get called up there. Well, I can't refuse to answer and I wouldn't. I'd answer I just don't know. I have no idea what happened and I don't.
H. Of course I'm never going to be put on the stand, as it stands now.
C. That's right.
H. And so I won't have the opportunity to say one thing or another.
C. You don't want to.
H. You wouldn't be willing to talk to my attorney? Wouldn't that be a different affair?

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- C. Uh, I don't know, Howard. I don't know whether it is or it isn't. He would know best.
- H. That was a suggestion of his.
- C. Well, hell, I'll talk to him. That's not a problem. I'll be glad to talk to him. I'm sure that you're being watched.
- H. Oh, I am too.
- C. And not by federal authorities. I'm sure the Washington Post is watching you.
- H. Oh, yea. Well, the reason I called you was to make . . . to get back to the beginning here is because of commitments that were made to all of us at the onset, have not been kept, and there's a great deal of unease and concern on the part of 7 defendants [sic] and, I'm quite sure, me least of all. But there's a great deal of financial expense that has not been covered and what we've been getting has been coming in very minor gigs and drabs and Parkison, who's been the go between with my attorney, doesn't seem to be very effective and we're now reaching a point of which. . . .
- C. Okay, don't tell me any more. Because I understand and
- H. These people have really got to . . . this is a long haul thing and the stakes are very very high and I thought that you would want to know that this thing must not break apart for foolish reasons. Oh, no . . .
- C. Oh, no, everybody . . .
- H. While we get third, fourth hand reassurances, still the ready is not available [sic]. That's the basic problem.
- C. I follow you. Okay, you told me all I need to know and I can . . . the less I know really of . . . what happened, the more more help I can be to you.
- H. Alright, now we've set a deadline now for close of business on the 25th of November for the resolution on the liquidation of everything that's outstanding. And this . . . they're now talking about promises from July and August. It just has been an apparent unconcern. Of course we can understand some hesitancy prior to the election, but there doesn't seem to be any of that now. Of course we're well aware of the upcoming problems of the Senate and . . .
- C. That's where it gets hairy as hell. See, for your information, Howard, . . . of course this thing has hurt us all because everybody . . . it's just unfortunate as hell, but the Democrats made such an issue out of the whole . . .
- H. Well, on the other hand, it kept them from the real issues.
- C. Well, I always thought when I write my memoirs of this campaign, that I'm [sic] going to say that the Watergate was brilliantly conceived as an escapade that would divert the Democrats' attention from the real issues and therefore permit us to win a landslide that we probably wouldn't have had otherwise. Seriously . . .
- H. Whether you believed it or not.
- C. No, listen, I think there's a good bit of validity to that.
- H. I do too.
- C. Dumb bastards were on an issue that the public couldn't care less about.
- H. See, I haven't known at any time what sort of an input you were getting from Dean and other people about who was responsible. . . .
- C. Minimum.
- H. . . . about who was responsible for all this.
- C. Minimum for very good reasons because if somebody told me . . . let me tell you the position I'm in. Whether I stay in the White House for a while or whether I leave, doesn't matter. I want to be in a position to help you. Okay, that means I have to openly talk to people and no matter who it is, from a character standpoint or anything else, be able to say things about you that I want to say. Now, I can't do that the moment I know something that makes it impossible for me to talk to people and the moment that I know something that makes it impossible for me to talk to people, then I've got to be kept in the background and can't talk and I want to talk, so long as I can help you and I'm going to see that you don't get a bad break out of this and I'll tell you sometime about that.
- H. I would hope that somewhere along the line the people who were paralyzed initially by this within the White House could now start to give some creative thinking to the affair and some affirmative action for Christ sake.
- C. That's true.

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- H. I think now is the time for it and we expect it now and we want it and the election is out of the way, the initial terror of the number of people has subsided. Some people have already left the Administration and that's all to the good. So, now it's pared down to the point where a few people ought to really be able to concentrate on this and get the goddam thing out of the way once and for all because I don't want to bore you with what it's been like, but it hasn't been pleasant for any of us.
- C. Jesus Christ, I know it. I hope you're doing some writing to keep yourself busy.
- H. Oh, I am. I don't know if anything will ever come of it, but it's a good . . . it keeps my mind from my plight, let's put it that way. So that I was never clear in my own mind, and I'm still not, and . . . that one of the initial outputs that I had read about was that while this is done by a bunch of wild assed guys and so forth . . . well, that's fine for we're protecting the guys who are really responsible, but now that that's . . . and of course that's a continuing requirement, but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money. These lawyers have not been paid, there are large sums of money outstanding. That's the principal thing. Living allowances which are due again on the 31st of this month, we want that stuff well in hand for some months in advance. I think these are all reasonable requests. They're all promised in advance and reaffirmed from time to time to my attorney and so forth, so in turn I've been giving commitments to the people who look to me and. . . .
- C. I'm reading you. You don't need to be more specific.
- H. I don't want to belabor it.
- C. No, it isn't a question of that, it's just that the less speciiis [sic] I know, the better off I am . . . we are, you are.
- H. So, Parkison is out of town until next Monday, at which time a memorandum is going to be laid on him and he's going to be made aware . . .
- C. I'll tell you one thing I've said to people, and I just want you to know this because I think it's important. I've told people the truth that I've known you for a long time, that I've considered you a personal friend, you're a person in whom I've had high regard and high confidence, a patriot, real patriot, and that had you ever been the one mastermined [sic] this, it never would have fallen apart, that the reason that I am convinced, and I told this to the federal authorities on the grand jury, the reason that I'm convinced that you Howard Hunt never had a goddamn thing to do with this or if; you did, it was on the peripheries, is that if you ever did it, you would do it a lot smarter than this and that I've know [sic]
- H. Chuck, if I had had my say, it never would have been done at all. Let me put it that way.
- C. Say no more.
- H. . . . the position of another fellow too.
- C. Say no more.
- H. . . . high risk ballgame.
- C. Well obviously I never knew about . . .
- H. That's right and I've always maintained to my attorney who of course has my complete confidence in this matter, that you absolutely had nothing to do with it.
- C. If I had ever known it was coming I would have said to you as a friend, if some asshole wants to do this, fine, but don't you get involved. I mean, if you and I, if we've ever had a conversation like that, I would have said, my God, . . . but the point I've made is that you're a smart . . . among many other qualities, you are a brilliant operator and brilliant operators just don't get into this kind of a thing, so I've held and I was asked . . . and this is why I don't want to know any different, this is why I was asked by the Bureau, well, what about Hunt? And I could honestly say, look, I've known this guy a long time, he's a very smart fellow and I can't for the life of me conceive that he would ever get himself into this kind of situation, so I want to be able to stay in that position. That's why I don't want you to tell me anything beyond that. Give my love to Dorothy, will you?
- H. All right I will.
- C. I know it's hard on you and the kids and
- H. It's awful tough. My daughter up at Smith is really getting a rough time.
- C. Is she really?

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- H. Very, very hard time.
- C. Well, you know, I'll tell you, I find it's only the rough experiences in life and you've had your share of them, god knows, that really harden you and make something out of you, and you learn by them and become a better man for it and we'll talk about that. You'll come out of this fine, I'm positive of that.
- H. Well, I want all of us to come out of it, including you.
- C. My position, I suppose has been hurt in one sense, that I've been publicly but obviously people around here know I didn't have anything to do with it, but so be it. We'll all come out of it, don't worry about that. That's the last thing to worry about and I understand this message . . .
- H. If; you can do anything about it . . . I would think the sooner they can get moving on it the better. Good to talk to you. I'll discuss with Bittman whether he still feels he needs to talk with you.
- C. Alright and as soon as I feel that the situation, the future of the thing is clear enough that you and I can get together, we'll damn well do it, but I don't want to do it pre-maturely because it will limit my ability to help you.
- H. Chuck, I understand that completely. L [sic] That's why I never tried to get in touch with you.
- C. Im [sic] in a better position to help you if I can honestly swear under [sic] oath, which I can do, because I don't know a goddamn thing about it and I don't. And as long as I'm in that position then I can say what kind of a guy I think Howard Huhnt [sic] is and why I think this is a bum wrap.
- H. Okay. Is your family alright?
- C. Doing fine.
- H. Your boy's doing well in school I understand.
- C. Doing great and he's at Princeton. He's taking a lot of heat, just like your talking about.
- H. Oh, he must have.
- C. When . . .
- H. The only counsel I can give my daughter is that people that will do that sort of thing are the kind who would pull the wings off flies and they're not really the sort of people she would really want to have as friends or even associates in any case.
- C. I said the same thing to my son, when the indictments were announced, he said everybody at Princeton said, "oh, you're old man beat the wrap" . . . Isn't that great? Doesn't that make you feel wonderful? I said the same thing to him and he's gotten so he doesn't . . . he figures that the price you pay for serving your country and you take the good with the bad, so if; you believe in what you're doing, that has to be the ultimate consolation for all of us.
- H. It does indeed. Are you going to be able to take some time off?
- C. God, I hope so, howard [sic]. I'm planning to in December some time. If I can possibly get out of here. Well, you take care of yourself and don't let it get you. Don't let it wear down that great spirit and we got the President in for four years and thank God for the country we do.
- H. Exactly.
- C. You know, when you go to sleep at night, you can put up with a lot of personal grief if you think that . . . there are always things bigger than yourself. That's really true. The moment in life when things are not bigger than yourself, then you're all washed up. Even I know that.
- H. I know. I spent a lifetime serving my country and in a sense I'm still doing it.
- C. Damn right. Alright, pal, we'll be talking to you.
- H. Okay.

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Mr. SACHS. That Mr. Bittman was paid.

Mr. DASH. Yes, or that Mr. Bittman was paid.

Mr. HUNT. \$156,000.

Mr. DASH. Would you submit to us a statement of the details that you were giving us a moment ago? I think it would help us expedite the questioning.

Mr. SACHS. We will be glad to.*

Mr. DASH. Yes.

Now, did you ever call Mr. Colson to complain about the problems of the payment of fees?

Mr. HUNT. I did.

Mr. DASH. Do you recall when you made that call?

Mr. HUNT. On November 24 last.

Mr. DASH. Now, do you have a copy of the transcript that Mr. Colson made of the telephone call?

Mr. HUNT. I do.

Mr. DASH. During that call what, in effect, were you telling Mr. Colson, why did you make that call?

Mr. HUNT. I made the call, Mr. Dash because my wife had indicated to me because she had been placed in a very false and difficult position vis-a-vis the Cubans and the other people who were or had become her "clients," she was unwilling to continue in the role that she had agreed to accept at the urging of Mr. Rivers, that is to say to be the go-between.

She felt also that perhaps because she was a woman, her words, her urgings, her representations were receiving insufficient weight or were not being seriously enough received by whoever the sponsors were, and it was in that spirit that she asked me to communicate with Mr. Colson, which I did.

Mr. DASH. All right.

Now, on page 3 of that transcript, did you say the following:

All right, now we've set a deadline now for close of business on the 25th of November—

And I take it it is a deadline to receive funds—

for the resolution on the liquidation of everything that is outstanding. And this—they're now talking about promises from July and August. It just has been an apparent unconcern. Of course, we can understand some hesitancy prior to the election, but there doesn't seem to be any of that now. Of course, we are well aware of the upcoming problems of the Senate.

Did you make that statement during that call? Does this transcript, by the way, reflect, to your recollection the conversation you had with Mr. Colson? You will recall we showed you that transcript during the executive session.

Mr. HUNT. I do, Mr. Dash.

Mr. DASH. You have had a chance to read it?

Mr. HUNT. Yes, sir.

Mr. DASH. What is your answer to my question whether that statement was made as it appears in the transcript?

Mr. HUNT [conferring with counsel]. I have no specific recollection of making the statement, Mr. Dash. However, inasmuch as it appears in a transcript I accept it in good faith and will say under those circumstances that I made the statement.

*Not received at time of publication.

Mr. DASH. Now, let me just make one further reference on page 5 if you will look at the top where you say—

Well, that is fine for we are protecting the guys who are really responsible, but now that that's—and of course that is a continuing requirement, but at the same time, this is a two-way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Do you see that statement?

Mr. HUNT. Yes, sir.

Mr. DASH. Would you adopt that as something you would have said during that conversation?

Mr. HUNT. Yes, sir.

Senator BAKER. Mr. Chairman, just 1 minute. I am not sure I understand. The question is that one you would have said or did say—

Mr. DASH. He did say in the transcript.

Mr. HUNT. I will accept that as a statement that I made.

Mr. DASH. Now, after you stopped receiving funds from various supporting sources did Mr. Bittman ask for more funds from you?

Mr. HUNT. Mr. Bittman informed me of the current state of my deficit balance with him, yes.

Mr. DASH. Mr. Chairman, I would like to have this conversation with Howard Hunt of late November 1972, which was recorded by Mr. Colson, identified as an exhibit and entered in evidence.

Senator ERVIN. It will be received in evidence as an exhibit and appropriately numbered as such.

[The document referred to was marked exhibit No. 152.*]

Senator BAKER. Mr. Chairman, could I ask a question about it just very briefly. Mr. Hunt, were you aware that this conversation was being recorded?

Mr. HUNT. No, sir.

Senator BAKER. Did you—how did you come to know of its existence?

Mr. HUNT. I can't recall whether I learned about it through the grand jurors or through this committee.

Senator BAKER. Could I ask counsel how we received it?

Mr. DASH. We received this from Mr. Colson.

Senator BAKER. From Mr. Colson?

Mr. DASH. Yes, from Mr. Colson.

Senator BAKER. Thank you.

Mr. HUNT. I might say that I feel, in retrospect, I was set up on this one.

Senator BAKER. I am sorry, I didn't hear you.

Mr. HUNT. That I was set up, as it were. I had requested an opportunity to speak with Mr. Colson and the message I got back was that if I would call him from a phone booth at a particular time, on a particular day, he would speak with me. Obviously, he had his recording equipment running at that time.

Senator BAKER. Do you have any reason to suspect that any part of the transcript is not correct?

Mr. HUNT. No, sir.

Senator BAKER. Thank you.

*See p. 3888.

LEAF

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

Secondly, during the campaign -- on those few occasions when the President and I did discuss Watergate -- he commented how relieved he was that no one in the White House had been involved. Mr. Dean testified, based on one conversation with the President on September 15 that he believed that the President was aware of the alleged cover-up. During this time the President never indicated in any conversation with me that he had any reason to think that any White House personnel had been involved; he was pleased that, as a result of Mr. Dean's investigation and the very extensive investigation by the Department of Justice, he had been advised that there was no White House involvement.

Sometime after the election, I believe in late November, Mr. Hunt called my office and asked to talk to me. I did not take his call, but I believe I asked Mr. Dean whether I should talk to him. I wanted to do so out of personal friendship and sympathy. Mr. Dean told me I should. I do not recall the precise circumstances, but my secretary's recollection is that after talking with Mr. Dean, I asked her to communicate with Hunt's lawyer to advise Hunt to call again and I would talk to him. I decided, however, that I would have to record the

conversation. I felt that any conversation with Hunt would have to be a matter of record. The transcript of the conversation has been provided to your staff and, I might add, was turned over to the Federal prosecutors in early May.

As you will note from the transcript, Mr. Hunt asked if he could send me a memo. I told him not to, that anything he sent me would have to be turned over to the Federal investigators. I did my best during the conversation to explain to Hunt that I did not want to be involved, that I was the principal target of press attempts to tie the Watergate to the White House. I tried to express my personal compassion to him as a friend, but at the same time discourage him from imparting any information. He, nonetheless, as you will note from the transcript, persisted.

Some of the things he said should have aroused more concern on my part. The fact is, however, that I was totally unaware of any of the post-Watergate activities that have been subsequently testified to. I did not know of Mr. Kalmbach's involvement or indeed of any fund raising for the defendants. I did not know of the Dean, Mitchell, Mardian, LaRue meetings,

or the contacts between Mr. Dean and others with the CIA and FBI. I did not know of the reported meetings then going on with Messrs. Haldeman, Dean, Mitchell and Magruder. Had I then been aware of some of these things, Hunt's comments might have had more significance. I was, however, troubled by the very nature of the conversation and by Mr. Hunt's reference to commitments that had been made to him and to which I could only reply, "Okay, don't tell me anymore, I understand" or "I follow you, you've told me all I need to know." I assumed at the time that if indeed there had been commitments, these were commitments made by the Committee for the Re-election.

The plain fact is that I was anxious to get off the phone -- I really didn't want him to tell me anything. I merely wanted to tell him how sorry I was for him and to explain why I couldn't talk to him. As a result, many of his comments just did not register with me then.

In any event, I immediately called John Dean to tell him that I was greatly troubled by the conversation, that if what Hunt said was true, he, Dean, had better damn well find out immediately what was going on, particularly as to what the

people at the Committee for the Re-election were doing. I said I would have a transcript made of the conversation and send it to him. Dean told me not to make a transcript but to send him the raw tape immediately. Sometime later that day or the next, Dean called to say that he would keep the tape, that I should do nothing further, that this was his responsibility and he would handle it. I assumed -- obviously incorrectly -- that Mr. Dean, was as eager to get to the truth of the Watergate as I was -- and as the President was. I assumed if Mr. Dean found anything of importance in the conversation, he would act consistent with his responsibility.

I do not recall any other discussion during the month of November relating to Watergate.

Shortly after the first of December, the President was becoming increasingly involved with the problems of the deteriorating Paris peace negotiations. When the President made his difficult decision to resume the bombing of North Vietnam in December, he began to devote virtually every waking hour to the day-to-day military activity and the on-going diplomatic initiatives. The Vietnam issue was practically all-consuming

source of the money or whether it was campaign money or any of the details about the \$22,000 that Stans had made available. I could not locate Strachan and Stans indicated that it should be picked up immediately but I cannot recall at this time the reason he called for the immediacy. Accordingly, I asked Mr. Fielding to pick up a package from Stans and give it to Strachan as soon as he could.

I informed Stans that Fielding would be over to pick up the package but he would not know what he was picking up and when I later learned that Stans had informed Fielding I was somewhat annoyed because I felt it was unfair to Fielding. The money was then given by Fielding to Strachan but no final decision had been made regarding how to dispose of the \$350,000.

Having explained the status of the cash at the White House, I must now return to the pressure that was being placed on the White House for the use of these funds which I have just described for payments to the seven indicted individuals. This pressure began long before election day in that Paul O'Brien was receiving messages from William Bittman, Hunt's lawyer, that Hunt and others expected to have more support money and attorney's fees in exchange for continued silence. The initial payments by Kalmbach had not been sufficient. O'Brien reported this frequently to Mitchell, Mardian, LaRue, and myself. I, in turn, was reporting to Haldeman and Ehrlichman.

There were discussions in late July, August, and September of using these funds at the White House for these payments. I informed Haldeman of these discussions, but they were still in the discussion stage and no action was taken.

After the election, the pressure was greatly increased when Colson received a call from Mr. Hunt, which Colson recorded. Colson brought the recorded call to me and I, in turn, transcribed it onto a cassette tape. I have been informed by the committee counsel that the committee has in its possession a transcript of the conversation between Colson and Hunt in which Hunt makes demands for money. On November 15, I arranged a meeting with Haldeman and Ehrlichman so that they could hear the tape of the conversation Colson had had with Hunt and also to inform them of the increased and now threatening demands that were being transmitted through Hunt's lawyer to Mr. O'Brien and in turn on to the White House.

Haldeman and Ehrlichman were at Camp David at that time developing the plans for the reorganization of the executive branch for the second term of the Nixon administration. I departed on the morning of November 15 for Camp David with Mr. Walter Minnick, who was going to Camp David to discuss the reorganization plans with Ehrlichman. Mr. Minnick had been doing virtually all of the legal work at that time for Ehrlichman on the reorganization plan and was a member of Ehrlichman's staff. In fact, I was somewhat surprised that the counsel's office had not been more involved, or involved at all, prior to that time in the reorganization plans. After arriving at Camp David, Ehrlichman, Haldeman, and I went into the President's office in Laurel Lodge, which was empty. I have referred earlier to the fact that in this meeting the matter of Dwight Chapin's remaining at the White House was discussed.

It was after that discussion that I told them of the telephone conversation between Hunt and Colson and played the tape for them and

also told them of the increasing demands being made for money. I told them I was going to New York that afternoon because Mitchell had requested that I come visit him regarding the demands being made and told them I would also play the tape for him. My instructions from this meeting were to tell Mitchell to take care of all these problems.

When we came out of this private meeting, Ehrlichman told Mr. Minnick, who had been waiting to meet with him, that we had been talking about reorganization matters. This position was taken because Minnick was at Camp David for that purpose and it would seem to be a very logical thing that I might be discussing with Haldeman and Ehrlichman. In fact, in our private meeting there was no discussion of the reorganization at all.

After a brief discussion about reorganization matters, I departed Camp David and returned to Washington and then flew to New York with Mr. Stans. Stans had told me some days earlier that he was going to meet with Mr. Mitchell to discuss a number of matters about winding down the reelection committee and asked me to join him.

Senator ERVIN. There is a vote. I will stay here and proceed with the committee and ask them to hold the vote until I can get over and somebody can come back and take over so I can get over and vote.

Mr. DEAN. Thank you.

Stans had arranged for the meeting with Mitchell to take place at the Metropolitan Club in New York City, because Stans was anxious to return to Washington as soon as the meeting was over and did not want to go down to Wall Street and get tied up in traffic. After the first part of the meeting where Stans and Mitchell discussed their problems, Stans departed and I played the tape for Mitchell. I recall that he had only one reaction to the tape and it was to the effect that it was certainly a self-serving tape for Colson and he wondered what the hell Hunt was talking about with regard to Mitchell's having perjured himself. I informed Mitchell that Ehrlichman and Haldeman had heard the tape and requested that he do what he could to solve the problem. I received no instruction or really any indication at all at that time from Mitchell regarding the matters that Hunt had raised in his conversation with Colson.

To the best of my recollection, it was the first week of December that Mitchell called me and said that we would have to use some of the \$350,000 fund to take care of the demands that were being made by Hunt and the others for money. He indicated that the money that was taken out would be returned in order that the fund could be made whole again. He asked me to get Haldeman's approval.

Prior to Mitchell's call, I had been informed by Colson's secretary that Mrs. Hunt had called her at home on a number of occasions to discuss this problem with her in order that she might pass it on to Colson and get something done about the problem. Colson had sent his secretary, Miss Joan Hall, to me with these messages indicating that he did not want to talk to her about it but that she should pass the message on to me. I told Miss Hall not to talk to Mrs. Hunt and, if necessary, get an unlisted phone number.

After the phone call from Mitchell, I called Haldeman and described the situation in full to him and that I had told Mitchell that I was very reluctant to see White House money used but that he indicated that it would be returned as soon as they could raise some additional

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Mr. DASH. In March 1973 did you become aware—and I think you so testified—of the increased demands of Hunt for money, so-called Hunt's blackmail?

Mr. EHRLICHMAN. Well, I wouldn't use the word increased because I think—I didn't have any frame of reference in which to identify this as an increase. I certainly am familiar with the blackmail.

Mr. DASH. Of a demand, of the blackmail. Who informed you of this?

Mr. EHRLICHMAN. Mr. Dean.

Mr. DASH. Did it raise a question in your mind at least at this time, again having recall that money was paid for defense, of the propriety of paying this money when such a demand was being made?

Mr. EHRLICHMAN. Oh, certainly—well, let me separate out all of the testimony that you have just inserted in that question and maybe you could restate the question without all the embellishments.

Mr. DASH. I will ask just the same question: You had found nothing wrong and, as a matter of fact, just beforehand, on the February 10 meeting, again had discussed making certain payments or going up to Mitchell—having Mr. Moore go see Mr. Mitchell about raising some funds for the defendants, and now in March 1973, some time in March you become aware of a demand, Mr. Hunt's, of what you just called blackmail.

Mr. EHRLICHMAN. The difference between the two is dramatic. There was no suggestion at La Costa that any money be paid in consideration of anybody's silence or anything of that kind. The money we were talking about at La Costa was to compensate attorneys who would file motions in behalf of the defendants, and as far as I am concerned that would have been a completely legitimate undertaking, privately raised funds for that purpose. This was a flat out blackmail attempt, if money was not paid then Hunt would say so-and-so, but if money were paid he would not say so-and-so. That is the first time I encountered anything of that sort in this entire—what would that be, 10 months?

Mr. DASH. Well, were you aware that back in November Mr. Hunt had a telephone conversation with Mr. Colson, and Mr. Colson taped that conversation with regard to Mr. Hunt wanting money and being very unhappy that he wasn't getting the kind of money he was requesting?

Mr. EHRLICHMAN. Well, I have heard testimony about that and that I am supposed to have heard that tape.

Mr. DASH. Did you hear that tape?

Mr. EHRLICHMAN. I don't recall ever hearing that tape. I recall Mr. Dean coming to Camp David on one occasion during the 2 months we were up there. We have repeatedly—since he testified to that effect—we have repeatedly tried to get a transcript or a copy of that tape without success from your staff but I would certainly like to see it because I—

Mr. DASH [interrupting]. Have you—

Mr. EHRLICHMAN [continuing]. I just draw a blank.

Mr. DASH. Mr. Wilson, have you made a request?

Mr. WILSON. Neither I nor Mr. Strickler asked Mr. Hamilton for that.

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Mr. MITCHELL. Yes, sir.

Mr. DASH. Now, when did you leave your position as the director of the campaign?

Mr. MITCHELL. On the 1st of July 1972.

Mr. DASH. And when you left, you were aware, were you not, that Mr. Magruder was staying on as deputy director of the campaign.

Mr. MITCHELL. Yes, he stayed on as Mr. MacGregor's deputy.

Mr. DASH. And were you not aware when you were leaving that Mr. Magruder at least faced some serious problem of being indicted on the break-in of the Democratic National Committee headquarters as of July 1?

Mr. MITCHELL. As of July 1? I think that was a potential, yes.

Mr. DASH. Now, you did meet with the President on June 30, 1972, just before you left. As I understand, you had lunch with the President.

Mr. MITCHELL. That is correct, sir.

Mr. DASH. Did you think it your duty to tell the President at that lunch before you left that the man who was playing such a key role in his campaign, Magruder, had such a problem that he might be indicted for the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. Mr. Dash, I think you and I have gone over to the point where we have established that the White House horror stories had come out in connection with the problem at that particular time and there wasn't the question of lifting of the tent slightly in order to get with respect to one individual or another; it was a keeping the lid on and no information volunteered.

Mr. DASH. Even if the lid had been kept on the so-called White House horrors, wouldn't it be very embarrassing to the President of the United States in his effort to be reelected if his deputy campaign director was indicted in the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. I don't think as far as the Watergate was concerned, there was a hell of a lot of difference between the deputy campaign director and the counsel for the finance committee and the security officer. Quite frankly, as far as the Watergate was concerned, that was already a public issue. It was the parties that were involved.

Mr. DASH. There came a time, did there not, Mr. Mitchell, that the pressures for money by the defendants or by Mr. Hunt increased?

Would you tell us what you know about that?

Mr. MITCHELL. Well, I am not sure, Mr. Dash, that I can tell you very much about them other than the fact that somewhere along in the fall, Mr. Hunt had a telephone conversation with Mr. Colson, which, I think, covered the subject matter and then later on, as I recall, Mr. Dean has got in the record a letter from Mr. Hunt to Mr. Colson, which I think is quite suggestive of the fact that he was being abandoned.

Then I heard later on, in March of this year, there were oral communications from either Hunt or his attorney relating to requests for legal fees and so forth, which were communicated to the White House.

Mr. DASH. How did you hear about the March request?

Mr. MITCHELL. The March request? I think I probably heard about it through Mr. LaRue, if my memory serves me right.

Mr. DASH. Do you know how much money was actually being requested at that time?

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Senator ERVIN. You hadn't learned about that until September?

Mr. MITCHELL. No, sir, I had not heard of Mr. Segretti.

Senator ERVIN. When did Secretary Stans tell you that he had furnished \$75,000 to assist in paying the counsel fees for the counsel for the seven Watergate defendants?

Mr. MITCHELL. The same time he told it to this committee. I saw it on television, that was my first knowledge of it.

Senator ERVIN. You had no knowledge of that before?

Mr. MITCHELL. No, sir.

Senator ERVIN. Well, did Mr. Dean come to New York and talk to you about the demands of some of the defendants for money?

Mr. MITCHELL. Yes; he did later in the year. I believe the occasion had to be in November or perhaps even later than that.

Senator ERVIN. Didn't you hear anything about the fact that these defendants were demanding money for counsel fees and for support during the summer of 1972?

Mr. MITCHELL. I did not, as I have testified here yesterday, Mr. Chairman, the Mardian-Liddy discussions—Mardian-LaRue discussions with Liddy, the matter that was mentioned as to whether or not the committee could provide money for the bail for the individuals and that was turned over by the committee. Apparently the activities of raising money for support and counsel fees continued on and it wasn't later until sometime in the late summer or fall that I heard about the activities.

Senator ERVIN. You did hear about—you were given to understand that either the committee or Mr. Kalmbach were furnishing the money to pay counsel fees and support to the families of the seven Watergate people?

Mr. MITCHELL. Yes, sir, I heard that as I say later on after the time frame.

Senator ERVIN. And later you were informed that there was some doubt as to whether McCord would stand fast in silence, weren't you?

Mr. MITCHELL. I was so advised, yes, sir.

Senator ERVIN. Yes. And you were asked to see what you could do about that, weren't you?

Mr. MITCHELL. About what, Senator?

Senator ERVIN. To see what McCord was going to do.

Mr. MITCHELL. I am not quite sure, Mr. Chairman, that I get the thrust of your question.

Senator ERVIN. Well, who told you about the fear that McCord might not remain silent?

Mr. MITCHELL. I believe it was Mr. Dean.

Senator ERVIN. When was that?

Mr. MITCHELL. Sometime after the first of the year, I would believe.

Senator ERVIN. Now, you mentioned the fact that there had been some talk from somebody that came to you to the effect that Hunt said he would not take a promise of immunity from anybody except Colson. When was that?

Mr. MITCHELL. That was sometime directly after the first of the year also, I believe preceding the trial. Mr. Dean related that conversation and it had to do with the fact that Mr. Hunt's interest in Executive clemency would only be accepted from Mr. Colson.

Mr. Mitchell

Wednesday, November 15, 1972 *

8:30 Mr. M arrived at office

9:30 Roald Morton called Mr. M and t.

9:45 James Gaynor called Mr. M and t.

10:00 Mr. M SAW Taft Schreiber

11:00 Mr. M SAW Ed Deutch and Arnold Tracy

12:00 Mr. M left for luncheon with Messrs.
Alexander, Rose, Lazdon

3:15 Mr. M ret. to office

3:10 Mr. M SAW Commissioner Erstat

3:40 Mr. M ret. Bob Finch's call and t.

3:55 Mr. M ret. Nick Thimmaish's call and t.

[4:15 Mr. M left office for meeting with
Messrs. Stans and Dean

33. On or about December 1, 1972 William Bittman, Howard Hunt's attorney, gave a folded paper to CRP attorney Kenneth Parkinson. Parkinson gave it to John Dean and to Fred LaRue. In or around early December 1972 Dean had a discussion with Haldeman about CRP's need for funds for the defendants in United States v. Liddy, during which Haldeman approved the transfer to CRP of a cash fund of \$350,000 in campaign contributions which had been placed at the disposal of the White House at Haldeman's direction prior to April 7, 1972. The first portion of between \$40,000 and \$70,000 was delivered by Haldeman's assistant Gordon Strachan to LaRue. Shortly thereafter LaRue delivered \$40,000 to Bittman by messenger. In January 1973 the remaining \$280,000 was delivered to LaRue. In January 1973 FCRP Director Maurice Stans approved the transfer of \$14,000 or \$17,000 in campaign funds to LaRue.

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INTERVIEW

Mr. Parkinson gave his home address as 5417 Duvall Street, Westmoreland Hills, Maryland. His telephone is 229-8494. His business address as Jackson Lasky and Parkinson, 1828 L Street, NW, Washington, DC, telephone 466-8850. He also gave a ^{telephone} credit card number 4668850-032N.

Mr. Parkinson first was asked how he came into the case as the lawyer for CRP and stated that on June 21, 1972 he had a preliminary conference with Mardian on the subject and was retained the next day. Parkinson believes that on June 22, 1972 Mardian notified him that O'Brien would also work with Parkinson on the case, but that Paul O'Brien would be subordinate to Parkinson. Parkinson stated that he got into the case when Roemer McFee called Parkinson on the 21st and asked him to join him in going over to Mardian's office.

Interview with Kenneth Parkinson on June 2, 1973

Representing Mr. Parkinson was Edmund D. Campbell of the firm at Douglas, O'bear, and Campbell, Old Southern Building, 735-7151

by David Dorson, James Hamilton, Donald Sanders, Robert Silverstein

Dictated D. Dorson (6-03-73) Transcribed 6-04-73 by M/Brazer

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DR

Kenneth Parkinson

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not understand, but did not know what it was. At one point, Bitman told Parkinson that executive clemency was part of the commitment or that Hunt felt that he was entitled to executive clemency and Parkinson said that he didn't even want to talk about it. Parkinson reported this conversation with Dean and maybe Mitchell or LaRue. Dean said to Parkinson that he (Parkinson) had no knowledge of any commitment but that any commitment would be lived up to. And indicated in some fashion that this could be communicated to Bitman. Parkinson did so. Parkinson never indicated how Dean, who denied knowledge of any commitment, could make such a statement while maintaining his position.

There was a meeting somewhere around December 1, 1972, prior to which Bitman had stated that it was important that Parkinson transmit a paper to his principals. Bitman gave Parkinson a folded paper and Parkinson took this paper without reading it to a meeting in Dean's office. Parkinson gave the paper to Dean who read it and returned it to Parkinson; Parkinson, again without reading it, handed it to LaRue. O'Brien was also at that

Kenneth Parkinson

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meeting, and, according to Parkinson, did not see the paper, either. Parkinson suspects that the paper had something to do with Hunt's demands, but has no firm information on the subject. Parkinson said that both he and O'Brien were working on the case, at times independently, and assumes that O'Brien also had contacts with Bitman but could not provide any details. O'Brien never mentions that he had met with Hunt who demanded money before his sentence (until very recently).

In the last couple of months, Bitman told Parkinson that he had received \$25,000. In addition there was an earlier payment which Bitman had indicated had come from Hunt. Parkinson did not have any information concerning Hunt's ability to pay Bitman his fees.

Parkinson said he had no knowledge of phone calls from Caulfield or Ulasewicz. However, Parkinson said that he had prior knowledge of the name of Rivers. This occurred when Bitman called Parkinson and said that he was getting a call from Mr. Rivers and did Parkinson know Mr. Rivers. Parkinson then communicated with LaRue and indicated that Rivers was all right. Parkinson

21 Q Now in about the first week of December, did Mr.
22 Mitchell contact you about using some of the White House cash
23 fund to meet the defendants' demands?

24 A Yes, he did.

25 Q How did that come about?

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE
COMMITTEE ON THE JUDICIARY.

1 A Well, the demands had reached a crescendo and there
2 was no other money available. There had been earlier dis-
3 cussions with LaRue and O'Brien about this. It was suggested
4 that they borrow roughly forty or fifty thousand dollars from
5 the White House fund and they would repay these funds.

6 This was a renewed request of that from Mr. Mitchell
7 directly to me, telling me that I should talk to Mr. Haldeman
8 about getting those funds.

9 Q Mr. Mitchell told you that the need was acute?

10 A Yes.

11 Q And he asked you to see Haldeman to seek his approval
12 to go ahead and use some of the money for this purpose?

13 A That's correct. He was quite aware of the fact that
14 the funds were under Mr. Haldeman's control.

15 Q Did Mr. Mitchell indicate that the money would be
16 returned sometime?

17 A He did.

18 Q Did you then consult with Mr. Haldeman about this?

19 A Yes, I did.

20 Q Can you tell the Grand Jury the substance of what-
21 ever conversation you had with Mr. Haldeman about this matter?

22 A Well, I told Mr. Haldeman that while I didn't like
23 the procedure, I had no alternative to offer him because the
24 demands at this point were very acute and Mr. Mitchell had
25 made the request and I didn't have any suggestion to make.

1 I said, "It's my understanding that they will pay
2 the money back as soon as they have raised additional monies
3 themselves and that the White House fund will then be kept
4 intact."

5 He said that I should go ahead and tell Strachan to
6 deliver the money to Mr. LaRue.

7 Q For this purpose?

8 A For this purpose. D.V.

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE
COMMITTEE ON THE JUDICIARY.

DV

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1 A Yes, there was some reference in that regard.

2 Q And that would be for the purpose of filtering
3 money from White House sources to the defendants?

4 A I believe that there was never a discussion of
5 filtering money from White House sources to defendants except
6 in a statement that I made which was that money to the defen-
7 dants could not be involved in White House sources.

8 Q Well, you knew that \$350,000 was being utilized as
9 a source for payment of these funds, did you not?

10 A Yes. I didn't consider that a White House source.
11 I considered that a campaign source that had been held for
12 White House use during a period and then was turned back to
13 the campaign committee.

14 Q At that time that it was utilized, the money was
15 under your control, was it not?

16 A No.

17 Q You authorized its transfer to Mr. LaRue?

18 A That's correct.

19 Q Knowing that it would be used to pay the defendants?

20 A I think not knowing, but knowing that there was a
21 problem that he was concerned about which was to provide these
22 funds for the defendants.

23 Q Mr. Haldeman, is there any question that you knew
24 that this money would be used to pay the defendants?

25 A Yes, in the sense that I had no personal knowledge

1 of what -- and I don't know that it was. In fact, I have
2 understood from the public testimony that it wasn't.

3 Q In other words, you weren't present at the time
4 that Mr. LaRue or one of his agents handed the money to a
5 particular defendant? That's true, of course.

6 A Yes.

7 Q No one is suggesting that you were present at
8 such an occasion.

9 A I understand that.

10 Q If that had been the case, then you could merely
11 have trotted down to wherever the defendants were and handed
12 them the money. That, of course, is not what we are talking
13 about.

14 We are talking about whether there was any other
15 understanding that you had in your mind, other than the fact
16 that this money would be utilized for payment to the defen-
17 dants.

18 A There was no understanding that it would be utiliz-
19 ed for any other purpose. There was no commitment that it
20 was being used for that purpose. The commitment was to put
21 the money back in the control of the place where I felt it
22 ought to be controlled which was the campaign committee, for
23 whatever purpose they saw fit.

24 As I say, it is my understanding from the public
25 testimony that it was in fact not all used for defendants.

1 Some if it, I understand from public testimony, was.

2 Q Was there any other understanding, other than the
3 fact that it was transferred for the purpose of being paid in
4 whole or in part as needed to the defendants?

5 A No. There was no other understanding. That's
6 correct. I have already said that.

7 Q Thank you. Now certainly you knew that the defen-
8 dants were being paid money prior to that time and that Dean
9 was having difficulties in getting the money together prior
10 to March 21st.

11 A Yes.

12 Q And indeed, you had conversations with Mr. Dean
13 about how long this would last, this demand for money. Isn't
14 that so, prior to March 21st?

15 A I don't know that I understood it as a demand for
16 money as contrasted to an assumed or presumed need for money
17 on the part of the committee for the defendants.

18 Q Well, you had conversations with Mr. Dean from
19 time to time, prior to the 21st, about what money would be
20 required and how long it would go on. Isn't that so?

21 A I don't know whether that was in the March 21st
22 meeting or before that meeting. The earlier questions, and
23 I am going back to 1972, were in the nature of the need for
24 additional funds on the part of the committee.

25 I don't recall then any discussion of how much was

friend of Mr. Rivers and that there would be a package delivered to his office shortly.

Mr. DASH. Who asked you to make that call? Who requested that money, do you know?

Mr. LaRUE. As I recall, Mr. Dash, this resulted out of a conversation that Mr. Parkinson had with Mr. Bittman which he relayed to Mr. Dean and I, citing the need for some attorney's fees for Mr. Bittman.

Mr. DASH. Did you know from that discussion that Mr. Parkinson had been with Mr. Bittman and then relayed to you and Mr. Dean how much money was to be paid?

Mr. LaRUE. Yes, sir.

Mr. DASH. How much was that, did you say?

Mr. LaRUE. \$25,000.

Mr. DASH. Then you told Mr. Bittman on the telephone that this package would be delivered?

Mr. LaRUE. Yes, sir.

Mr. DASH. How was it delivered?

Mr. LaRUE. It was delivered by messenger to his office. It was in a package directed to Mr. Bittman marked personal, confidential.

Mr. DASH. And this was in cash?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, did the messenger who delivered that package to Mr. Bittman know what his assignment was, what was in the package and what he was doing?

Mr. LaRUE. Oh, absolutely not.

Mr. DASH. I think to make the record clear, Mr. LaRue, when you made that payment to Mr. Bittman, did you have any understanding as to the reason that payment was being made?

Mr. LaRUE. My understanding was that this was legal fees for Mr. Bittman.

Mr. DASH. And did you think that this was being paid for humanitarian reasons?

Mr. LaRUE. Mr. Dash, my understanding of the payments of money to the defendants were or is that this money was paid to satisfy commitments that had been made to them by someone I do not know, but had been made, commitments had been made to them at some point in time, and—

Mr. DASH. Commitments made by people who had something to do with authorizing the original activity?

Mr. LaRUE. Yes, sir.

Mr. DASH. And that you were really carrying out the responsibility based on those commitments?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did it occur to you that if those payments were not made, there may be some embarrassment in the reelection campaign?

Mr. LaRUE. This certainly occurred to me, yes, sir.

Mr. DASH. Now, when and where was your next payment to Mr. Bittman?

Mr. LaRUE. As I recall, Mr. Dash, this was made in December, the amount approximately \$50,000.

Mr. DASH. Now, who gave the instructions about that payment?

Mr. LaRUE. Who gave the instructions?

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Mr. DASH. Yes, how did you know to make that payment in December?

Mr. LaRUE. There had been a meeting in Mr. Dean's office in which Mr. Parkinson relayed conversations he had had with Mr. Bittman regarding cash needs or money needs for the defendants. As I recall, it was cash needs that would be required for the trial and this \$50,000 was not, it was not a total amount, it was a partial payment on that amount of money.

Mr. DASH. In other words, on both occasions, now, Mr. Parkinson acted as the person conveying the message of the need for the money from Mr. Bittman to Mr. Dean and to you?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again, how did you arrange this payment, the same way?

Mr. LaRUE. This was arranged in the same way.

Mr. DASH. Did you call and did you again identify yourself as Mr. Baker?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again used a messenger?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again this messenger knew nothing about what he was doing?

Mr. LaRUE. No, sir.

Mr. DASH. Did you make another payment to Mr. Bittman in December?

Mr. LaRUE. No, sir, not that I recall.

Mr. DASH. Now, when did you first learn that there was a sum of about \$350,000 in cash at the White House?

Mr. LaRUE. Mr. Dash, I cannot tell you specifically.

Mr. DASH. Well, again, when I ask you the date, I am not asking for a specific date.

Mr. LaRUE. I understand. It would be in the summer or, say, the early fall of 1972.

Mr. DASH. Who told you about this fund?

Mr. LaRUE. Mr. Dash, my best recollection of how I got that knowledge would have been through information on a cash summary sheet which I had come into possession of that reflected a summary of the cash receipts and disbursements to the men.

Mr. DASH. Yes, but is it not true that the specific occasion on which this sum was called to your attention again came about through a discussion with Mr. Mitchell?

Mr. LaRUE. Yes, I think I asked Mr. Mitchell if indeed this money had been over at the White House that was indicated on the sheet.

Mr. DASH. And did you seek and receive approval to use some of that money for these activities to pay legal fees?

Mr. LaRUE. Yes, I did.

Mr. DASH. Did you know who had control over the money at the White House?

Mr. LaRUE. No, I do not.

Mr. DASH. Did you know if Mr. Haldeman had?

Mr. LaRUE. No, sir, I did not know that.

Mr. DASH. Did there come a time when you received a sum of money from Mr. Strachan and Mr. Dean in December 1972?

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know how much that sum was?

Mr. LaRUE. Approximately \$50,000.

Mr. DASH. And did you know that this was part of the \$350,000 at the White House?

Mr. LaRUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of \$280,000?

Mr. LaRUE. Yes, sir.

Mr. DASH. What prompted, to your knowledge, such a large transfer of money?

Mr. LaRUE. I cannot state specifically, Mr. Dash. I had had a conversation with Mr. Dean regarding the need, at this time, I think, for \$20,000 for one of the attorneys, Mr. Maroulis. I had passed this information on to Mr. Dean. Later, he called me back and told me that they were going to deliver the remaining balance they had over at the White House, which was approximately \$280,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?

Mr. LaRUE. That certainly would be my assumption; yes, sir.

Mr. DASH. And is it true that in January 1973, you did pay Mr. Maroulis, counsel for Mr. Liddy, \$20,000?

Mr. LaRUE. That is correct.

Mr. DASH. Now, did you receive \$14,000 from a Mr. Tim Babcock in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. What was that all about?

Mr. LaRUE. I received this money from Mr. Babcock at—I think in Mr. Stans' office. Mr. Stans was present. My understanding, Mr. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Mr. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LaRUE. No, sir.

Mr. DASH. Now, did you make two cash payments, one of \$25,000 and one of \$35,000, to Mr. Bittman, counsel to Mr. Hunt, in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. And did that occur in the same way you have already described?

Mr. LaRUE. No, sir; those payments were delivered to Mr. Bittman at his home.

Mr. DASH. At his home?

Mr. LaRUE. Yes, sir.

Mr. DASH. Who delivered them?

Mr. LaRUE. This was another messenger that delivered them.

Mr. DASH. Another messenger?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you arrange that the same way, by phone call?

Mr. LaRUE. Yes, sir.

Mr. STRACHAN. Well, at that time, I was asking Mr. Dean how to get the money back to the committee and it was just another problem that he would have to cope with.

Mr. DASH. So you just turned it over to him?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did you play a role in seeing to it that this money did get back?

Mr. STRACHAN. Yes.

Mr. DASH. Could you tell us specifically what you did and to whom you gave the money?

Mr. STRACHAN. Well, Mr. Dean called me and asked me to call Mr. LaRue. I called Mr. LaRue and he asked me if I could bring the amount which John Dean had specified to him at his apartment that evening on the way home from work. Mr. LaRue was the senior campaign official at the Committee To Re-Elect the President, and I decided that I would drop it by at his apartment.

Mr. DASH. How much was it that you received?

Mr. STRACHAN. Well, my recollection is that it was \$40,000. I know John Dean has testified that it was either \$40,000 or \$70,000 and Mr. LaRue has said it was \$50,000.

Mr. DASH. Did there come a time when you actually delivered the balance to Mr. LaRue?

Mr. STRACHAN. Yes, I did.

Mr. DASH. Who instructed you to do that?

Mr. STRACHAN. I wasn't instructed to do that, really. Again, Mr. Dean called me and said, "Well, it is time we get the balance back to the committee. Why don't you call Mr. LaRue?" I called Mr. LaRue; he said, "Can you drop it by at my apartment?" I said "Yes."

John Dean said get a receipt for the entire amount.

So, I went to Mr. LaRue's apartment, gave him the money, asked him for a receipt. He said, "You will have to talk to John Dean about getting a receipt, I will not give you one."

Mr. DASH. Is this the time when, in your statement, you indicated that Mr. LaRue put on gloves to take the money out of the bag?

Mr. STRACHAN. Yes, that was the occasion.

Mr. DASH. After he did that did you find it somewhat unusual to ask him for a receipt? [Laughter.]

Mr. STRACHAN. Well, I was quite surprised but those had been my instructions to ask for a receipt.

Mr. DASH. And you did?

Mr. STRACHAN. So I asked for a receipt.

Mr. DASH. And you didn't get any?

Mr. STRACHAN. No, I didn't.

Mr. DASH. Now, were you aware at any time that that money was being used for the payment of the legal fees for the defendants in the Watergate case and the support of their families?

Mr. STRACHAN. No, I was not, and I was quite surprised to learn about it because—

Mr. DASH. When did you first learn about it?

Mr. STRACHAN. In the press, because within a couple of weeks or a month before I delivered it to Mr. LaRue I had talked about the money

also told them of the increasing demands being made for money. I told them I was going to New York that afternoon because Mitchell had requested that I come visit him regarding the demands being made and told them I would also play the tape for him. My instructions from this meeting were to tell Mitchell to take care of all these problems.

When we came out of this private meeting, Ehrlichman told Mr. Minnick, who had been waiting to meet with him, that we had been talking about reorganization matters. This position was taken because Minnick was at Camp David for that purpose and it would seem to be a very logical thing that I might be discussing with Haldeman and Ehrlichman. In fact, in our private meeting there was no discussion of the reorganization at all.

After a brief discussion about reorganization matters, I departed Camp David and returned to Washington and then flew to New York with Mr. Stans. Stans had told me some days earlier that he was going to meet with Mr. Mitchell to discuss a number of matters about winding down the reelection committee and asked me to join him.

Senator ERVIN. There is a vote. I will stay here and proceed with the committee and ask them to hold the vote until I can get over and somebody can come back and take over so I can get over and vote.

Mr. DEAN. Thank you.

Stans had arranged for the meeting with Mitchell to take place at the Metropolitan Club in New York City, because Stans was anxious to return to Washington as soon as the meeting was over and did not want to go down to Wall Street and get tied up in traffic. After the first part of the meeting where Stans and Mitchell discussed their problems, Stans departed and I played the tape for Mitchell. I recall that he had only one reaction to the tape and it was to the effect that it was certainly a self-serving tape for Colson and he wondered what the hell Hunt was talking about with regard to Mitchell's having perjured himself. I informed Mitchell that Ehrlichman and Haldeman had heard the tape and requested that he do what he could to solve the problem. I received no instruction or really any indication at all at that time from Mitchell regarding the matters that Hunt had raised in his conversation with Colson.

To the best of my recollection, it was the first week of December that Mitchell called me and said that we would have to use some of the \$350,000 fund to take care of the demands that were being made by Hunt and the others for money. He indicated that the money that was taken out would be returned in order that the fund could be made whole again. He asked me to get Haldeman's approval.

Prior to Mitchell's call, I had been informed by Colson's secretary that Mrs. Hunt had called her at home on a number of occasions to discuss this problem with her in order that she might pass it on to Colson and get something done about the problem. Colson had sent his secretary, Miss Joan Hall, to me with these messages indicating that he did not want to talk to her about it but that she should pass the message on to me. I told Miss Hall not to talk to Mrs. Hunt and, if necessary, get an unlisted phone number.

After the phone call from Mitchell, I called Haldeman and described the situation in full to him and that I had told Mitchell that I was very reluctant to see White House money used but that he indicated that it would be returned as soon as they could raise some additional

money. I told Haldeman that I did not think this was a good idea to further involve the White House in raising money for these men but I frankly had no answer. Haldeman said he did not like it either, but since we had the assurance that the money would be returned, I should inform Strachan that he could make the delivery of the money to the committee. Following my conversation with Haldeman I called Strachan and told him he should speak with LaRue and make a delivery to LaRue pursuant to LaRue's instruction. I also informed Strachan that he should anticipate the fact that we would get this money back in the near future. I do not recall how much money was delivered by Strachan but I believe it was either \$40,000 or \$70,000.

This delivery did not satisfy the demands and they continued to be relayed by Mr. Bittman to Mr. O'Brien, who, in turn, would relay them to Mr. Mitchell, Mr. LaRue, and myself, I, in turn, would tell Haldeman and Ehrlichman of the demands. I can recall LaRue and O'Brien coming to my office to discuss these demands and I told them that there could be no further use of the White House money and, in fact, to the contrary, Haldeman was expecting that that money which had been provided earlier was to be returned in full.

To the best of my recollection, it was some time shortly before the trial when the demands reached the crescendo point once again. O'Brien and LaRue came to my office and told me of the seriousness of the problem. Subsequently, Mitchell called me and told me that once again I should ask Haldeman to make available the necessary funds. I called Haldeman and told him of Mitchell's request and the situation and told him that I thought it was time to get the entire money out of the White House rather than continue as we were with, every few weeks, further bites being taken out of the apple. After we discussed the matter Haldeman said, send the entire damn bundle to them but make sure that we get a receipt for \$350,000. After receiving my instructions from Haldeman I called Strachan and told him that he was to deliver the remainder of the money to LaRue but that he was to make certain that he got a receipt for \$350,000. Strachan later told me that LaRue had refused to give him a receipt.

With each of these deliveries I am only aware of the fact that money was delivered to LaRue by Strachan. I have no knowledge of how LaRue in turn delivered it to those who were making demands upon the committee, nor do I know how much, in fact, was paid.

HUNT'S STATUS AFTER THE DEATH OF HIS WIFE

After Mrs. Hunt was tragically killed on December 8, 1972, Paul O'Brien informed me that he had learned from William Bittman that Hunt was in very bad shape. He had become extremely depressed and grieved over the death of his wife.

I also recall that the funeral of Mrs. Hunt created a serious dilemma for Colson, who had known the Hunts' personally and was very fond of them both, but was very concerned about in any way publicly identifying himself with Mr. Hunt. Accordingly, he came to ask me if he should attend Mrs. Hunt's funeral and I told him that I thought he ought to do whatever he felt in his heart—that certainly attending her funeral could not in any way be deemed to show he was in any way involved with Hunt in the Watergate. Colson ini-

On November 28, I got a call from John Dean, or it may have been a day or two before November 28 which led to an action on November 28, saying that the \$350,000 fund which had been turned over to Strachan in April had been depleted by \$22,000; \$22,000 had been used for some purpose. Since it was a fund for polling, I just assumed that it was for polling.

He said that he would like very much to have that fund restored to \$350,000 so that if he ever had to account for it, it would be intact. And as a matter of fact, along about that time, we began discussions about whether or not the \$350,000 might be given to the finance committee and taken into its receipts. But he indicated it was quite important that he have \$22,000 to restore the fund.

So I gave him \$22,000 out of the money that I had received through Tim Babcock, on November 28. He sent Gordon Strachan of the White House staff over to the office to pick it up.

Now, the other \$17,000 that I had received from Tim Babcock I gave to Fred LaRue as a payment on account of the \$30,000 that he had given me to give back to the Philippine national. So that \$39,000 was expended and those transactions have all been reported to the General Accounting Office in our last report.

Mr. BARKER. Senator Montoya, for the record, I might indicate that in Mr. Dash's questioning on June 6 of Mr. Sloan at page 1254, he refers to the \$81,000 figure, consisting of \$18,000 and \$63,000.

Senator MONTOYA. I received that information from the transcript of the interview which indicates the sum of \$89,000, so there must have been a typographical error but on page 4 of the interview of which we have a record it indicates \$89,000.

Now, let's go back to the cashier's check that Mr. Dahlberg got in Miami and brought to Washington and then went back to Miami and was cashed. Now was the cashier's check for \$25,000, was that in the name of Mr. Dahlberg?

Mr. STANS. Yes, it was on a Miami bank payable to Kenneth Dahlberg.

Senator MONTOYA. Did he endorse it?

Mr. STANS. Yes, he did. He endorsed it just before he gave it to me.

Senator MONTOYA. Who cashed it?

Mr. STANS. Well, I don't know for a fact who cashed it except that I gave it to Mr. Sloan at the first opportunity. Mr. Sloan discussed it with our general counsel, Mr. Liddy, and according to Mr. Sloan, Mr. Liddy undertook to cash it.

Senator MONTOYA. That is all, Mr. Chairman.

Senator ERVIN. It is sort of a warm day and the witness has been on the stand for a long time. It is apparent we can't finish today so without objection on the part of some member of the committee we will stand in recess until 10 o'clock tomorrow morning, Thank you.

[Whereupon, at 4:30 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, June 13, 1973.]

February 1, 1972

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

GORDON STRACHAN **G**

SUBJECT:

Political Matters

Finances

1) Herb Kalmbach reviewed his current financial situation and related hard decisions with the Attorney General and Secretary Stans on January 28. Kalmbach asked that you consider:

1/10 2/10
6-7 2/10
a) Of the 1.2 fund Kalmbach has a balance of 900 plus under his personal control. From the original 1.2, 100 went to Lee Nunn for the Kentucky Governorship Race; 50 went to Caulfield for Sandwedge; and 70 has been disbursed to Derge for polling over the last six months. Of the 900, 230 is in "green" boxes, 570 is in a New York checking account and 120 is in a Newport checking account;

b) In light of the campaign spending legislation, Stans, Kalmbach, and Dean recommend that the 690 in accounts be spread back into legal committees and kept under Finance Chairman Stans' control. The 230 green would be put in a Riggs box with access by any combination of two of the following people: Tom Evans, New York -- *150* France Raine, Jr. (who Kalmbach wants to use generally in the finance area) -- and Kalmbach. If this recommendation is not accepted Kalmbach is willing to retain personal control of the 900 and run the very high risk of violating the criminal provisions of the campaign spending legislation. Stans is opposed to paying for any polls other than through a correct committee; the risk from using green is just too high. *OK*

Recommendation:

2-7
That the advice of Stans, Kalmbach, and Dean be followed in that the 690 would be put in legal committees; that only the 230 green would be held under Kalmbach's personal control; and that any polling would be paid for by regular Nixon Finance Committees.

Approve *H* Disapprove

Comment

Make it 350 green + add for us

c) Kalmbach is very concerned about his involvement in the milk producers situation. He believes that Jacobsen and Nelson will deliver though they have cut the original 2,000 commitment back to 1,000. Kalmbach's concern centers around the recent press disclosures that link Jack Gleason and the '70 campaign election funding. Kalmbach will accept the risk of being subpoenaed by the court in connection with the Nader milk suit. The Attorney General believes Kalmbach should continue to handle the milk project, but Kalmbach wants your advice.

Recommendation:

That Kalmbach not be involved in the milk project because of the risk of disclosure.

Approve _____

Disapprove _____

Comment _____

I'll die w/ AG

d) Kalmbach cleared the Ed Nixon campaign post with the Attorney General. Ed Nixon will begin February 1st, at 25 per year plus expenses, living costs, and travel. Kalmbach estimates the total will be "thrilling" but is pleased that he will be off the Foundation payroll.

e) Governor Nelson Rockefeller is in Kalmbach's 100 club with a 250 commitment.

2) Stans will officially move to the Nixon Finance Committee on February 16. In the meantime, he, Kalmbach, Hofgren, Nunn, and Sloan are conducting a 60 day blitz to get funds in before the campaign spending legislation becomes law.

When Stans arrives at 1701 he will send a personal letter to the 5000/\$3000+ contributors. He will also authorize a much larger Walter Wentz -- Readers Digest direct mail appeal from various lists.

The current financial position of 1701 is 3,600 received, 1,300 disbursed, leaving a 1,600 balance of which only 50 is in green.

Stans is moving into operational responsibility, but there is still no budget set for the various parts of the 1701 efforts.

Through Kalmbach, Stans is requesting Executive Mess Privileges. As you may recall, Cabinet Officers have

- 3 -

honorary memberships in the regular White House Staff Mess. To my knowledge, only Secretary Hodgson uses this privilege.

Recommendation:

That Stans receive Executive Mess privileges.

Approve

Disapprove

Comment

Harry Dent

- 1) He believes that the President's "drop by" at the Bob Brown dinner was one of the most important, successful, politically astute moves made toward blacks in this Administration;
- 2) Hugh Chatham may seek and win the North Carolina Senate seat in 1972; Pete Domenici may beat Dave Cargo for the nomination to seek the New Mexico Senate seat;
- 3) Thurston Morton may lead a drive to get Louie Nunn into the Kentucky Senate race if there is some financial assistance;
- 4) The first practical test of the Harry Dent theory of obtaining black votes has developed since your meeting with Mr. Dent during the week of January 12. Don Johnson of the Veterans Administration reports that the Urban League claims that the President promised Whitney Young, in Oval Office meetings, 9 million in make-work projects. Dent says there is no written record of this promise. Dent says Len Garment will favor creating these jobs for the Urban League. Garment has not been contacted personally because he has been on a trip and unavailable. Dent is convinced that Don Johnson can reject this request without undue political flak. Dent strongly recommends that he do so, and that any available funds be channelled to Dent/Bob Brown recruited blacks who can deliver for the President on November 7, 1972. I am not sure whether you have discussed Dent's theory of Southern black voters with the Attorney General. Dent has not contacted the Attorney General.

Recommendation:

If you have not discussed the Dent/Brown theory with the Attorney General, Dent should be advised to do so and then follow the Attorney General's advice on the disposition of the Urban League request'

Appendix

Disapprove

Colours: 1, 2, 3

-4-

3) Rose Mary Woods and Clark MacGregor were invited to Harry Dent's Political Issues Group meeting but did not attend. At that meeting all strongly urged that you tell Frank Shakespeare to make sure no USIA prestige poll similar to the one that damaged Nixon in 1960 is conducted in 1972. A talking paper was prepared for you, but there was only a "check mark" on the cover memorandum (original attached at Tab A) with no indication whether you accepted or rejected the advice of the Political Issues group.

Yes, Haldeman will cover with Shakespeare

No, the Attorney General will cover with Shakespeare

Neither Haldeman nor the Attorney General will cover it, drop the suggestion

Other *[Handwritten mark]*

G. L. w/ 12/1/72 2/3

According to Magruder, rumors are circulating in the Washington Press Corps that Shakespeare will be leaving USIA to join the Campaign. Magruder checked with the Attorney General and he confirmed that Shakespeare will not join the Campaign.

Fred LaRue

He has begun sitting in the Campaign Strategy meetings, working with Flemming, and generally making a contribution to the Campaign.

G. L. w/ 2/7

The Attorney General has asked LaRue to assume supervisory control of the RNC. In that connection, LaRue has asked that you send the memorandum attached at Tab B to the White House Staff. It would enable LaRue to determine who is asking for what at the RNC.

That's ridiculous

Cliff Miller

On January 27 Miller told the Attorney General that Harry Flemming and the field operation needed Fred LaRue to add stature and ability. The Attorney General agreed and plans on meeting with Flemming and LaRue this week.

The Attorney General told Miller that he would set the date of his official move to 1701 in a discussion with the President on January 29. Miller does not know what was decided.

446

RNC Convention

1) John Dean summarized an Intelligence Evaluation Committee report on the demonstrations planned for the Republican National Convention in San Diego (Tab C);

2) Bill Timmons submitted three memoranda to the Attorney General on San Diego and the 1972 Convention. The first indicates that original estimates of income and costs must be revised substantially. As to income, the City of San Diego is failing to honor its commitment to pay for convention hall expenses. The RNC is "reluctant" to accept the ITT-Sheraton money. Expenses projected by Dick Herman are not essential. Timmons is asking for authority from the Attorney General to direct Herman to cut expenses and force San Diego to deliver on its commitments. The second memorandum describes the success Timmons had, working with the Attorney General, in persuading Senator Scott to accept the position of "floor leader". Finally, Timmons notes that LIFE has an investigative reporter working on what may be a rather negative article on San Diego, the RNC Convention, and C. Arnholt Smith. (Timmons' three memoranda are attached at Tab D).

Jack Gleason

As you know, Jack Gleason's name has appeared in the recent "milk money" stories in the STAR. Gleason is "sick and fed up with this type of material appearing in the press". Gleason blames Bob O'Dell and Eleanor Williams at the RNC. However, Gleason is also mad at Colson stemming from Colson's "summoning" him to his office and "accusing" Gleason of leaking derogatory information to the press about Colson. Gleason is seeking advice whether he should have a quiet, off the record, discussion with reporters Jules Whitcover and Polk to demonstrate that Gleason is a "nice" guy. It's hard to imagine a worse idea than having Gleason talk with reporters, but told Gleason I would check.

Yes, Gleason see reporters

No, Gleason should continue to avoid reporters

Other

Don Rumsfeld

One memorandum on the conservative recruitment procedure in England arrived. An anonymous memorandum on the Indiana situation urges cultivation of Irwin Miller.

-6-

Magruder's Projects

- 1) Schedule Matters -- Updated lists of surrogate candidates' appearances in New Hampshire and Florida are attached at Tab E. *When are clubs?*
- 2) Older Voters -- You asked what the various Administration Officials were doing to cultivate the older voters. Ken Cole does not receive reports from Vicki Keller of the Domestic Council but does regularly review her work. Bud Evans, Colson's older voter's project manager is following an older voter plan developed in Colson's office. A final version of the report will be submitted to you and the Attorney General. Keller and Evans are working with Arthur Flemming and Danny Todd of the Committee to Re-Elect the President. *Make arrangements for*
- 3) Magruder as Spokesman -- Magruder was quite upset by your January 17 memorandum to the Attorney General indicating that Magruder should not be a spokesman for the Campaign. Magruder emphasizes that he and the Attorney General agree but that since May until February 7 there was no one else who could "get out the lines requested". There were only three series of interviews and most were quite positive. Magruder anticipates another series around the time of the Attorney General's move, but Shumway will handle the Committee's relations with the press at that time.
- 4) Polling -- The Attorney General directed Magruder to give Bob Teeter three weeks to deliver on his poll results scheduled or seek employment elsewhere. Magruder believes Teeter will now begin delivering the results and the projects you have requested. However, the Campaign polling system is currently working poorly. You are receiving chunks of survey data with no recommendations as to what should be held by you and the Attorney General and what should be distributed to Peter Dailey, Harry Flemming and other members of the Campaign Strategy Group. I would welcome the assignment of reviewing these materials, recommending data for release, and processing requests to Teeter. One alternative, which Magruder is urging, is a meeting with you, the Attorney General, Teeter, and Magruder to resolve the polling problems of the quantity and quality of Teeter's work and the access to polling information.

_____ Haldeman meet with the Attorney General, Magruder, and Teeter

_____ Strachan review polling materials

17
17 Other

February 16, 1972

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

001299

GORDON STRACHAN

SUBJECT:

Political MattersFinances

- 1) Herb Kalmbach will serve as Associate Chairman of the Finance Committee under Secretary Stans. The Attorney General concurs.
- 2) Kalmbach cleared with the Attorney General and Stans the 350 in green under your unquestioned personal control. A separate box of green is being developed for the Campaign.
- 3) Kalmbach will receive an additional 100 from Dick Watson in Paris raising Watson's total from 200 to 300.
- 4) Kalmbach is working with the milk people to increase the 233 currently banked to 1,000 by April 7.
- 5) Kalmbach saw Don Nixon and informed him that he should channel all requests of the White House through Kalmbach. This is exactly the same treatment Jack Drown receives.
- 6) Kalmbach granted the full-time gardner at San Clemente, Brigado Garcia, a \$25 per month raise bringing his monthly salary to \$539.00.
- 7) Concerning the Star story on Kalmbach, discussions with John Dean, Fred Malek, Jack Gleason, Hugh Sloan, Jeb Magruder, and Herb Kalmbach developed these tentative conclusions:
 - a) The material is primarily the result of thorough investigative reporting by skilled newspapermen;
 - b) The material was probably not directly leaked but rather the result of careless, loose talk disclosing the only new information, Kalmbach's name;
 - c) Information from 1968 may have come from Dan Hofgren (Herb Kalmbach lectured him harshly); the 1970 information may have come from Eleanor Williams (Jack Gleason and Herb Kalmbach say she is vindictive and cannot be influenced) and the 1972 information may have come from Jon Huntsman, who was mentioning Kalmbach's name to people when leaving the White House Staff. Kalmbach personally talked to him. These

-2-

WV

001300

tentative conclusions regarding sources of information have not been confirmed by polygraphs.

6-11-72
Excellent
8) The budget committee for the Committee for the Re-Election of the President will be Stans and the Attorney General as Co-Chairman, Herb Kalmbach as Associate Chairman, and Lee Nunn, Cliff Miller, and Fred Malek as members. Magruder is not on the Committee. Paul Barrik, a Stans' recruit, will act as Controller and Hugh Sloan will continue as Treasurer.

9) Within the strictly finance area, Stans will be Chairman and Leonard Firestone, Gus Levy, Max Fisher, John Rollins, and Mrs. Ogden Phipps will serve as Co-Chairmen. In house the Vice Chairmen will be Dan Hofgren, Lee Nunn, and Newell Weed.

10) Stans' goal of 10,000 in by the Campaign Spending Legislation effective date of April 7 is approximately one-third complete.

11) The Campaign has raised 5,000 but spent 2,000 in its first nine months. Expenses for January totalled 550 while projected expenses for February are 900. The Attorney General has asked Magruder for a list of the 124 employees and their salaries.

G-7 Malek 2/22
Malek could raise a pertinent question now than at budget Comm. mtg.
Harry Dent

1) Magruder believes he was the source of the February 14 Evans and Novak story on political aides at the White House criticizing the "consciously aiding" comment you made. The meeting could have been the Campaign Strategy Group meeting of February 7. Magruder has re-cast the Campaign Strategy Group to exclude Dent.

2) Dent advised the Attorney General that if Governor Nunn does not seek John Sherman Cooper's Senate seat, Robert Gable should be encouraged. Gable is a wealthy, loyal Republican.

3) Dent advised the Vice President that he should speak to the California Republican Assembly on April 8. Governor Reagan urged that the Vice President appear, and the Vice President accepted.

4) In the New Mexico Senate race Dave Cargo may cause problems in the GOP primary even though our 1970 candidate for Governor, Domenici, is the only one who could beat the Democrat, Jack Daniels.

-3-

001301

✓ 5) A nationwide voter turnout survey indicates that only in the South has there been a rise in voter turnout, while the key states, Ohio and Missouri, suffered a decline of 7.9% and 8.1% respectively between 1960 and 1968. The rise in the South is attributed to the black vote while the decline in certain states is attributed to apathy.

✓ 6) Wallace Henley monitors George Wallace for Harry Dent through Tom Turnipseed, Wallace's former Campaign Manager. A third party challenge by Wallace in November is not anticipated but could develop if Wallace receives enough money and publicity.

✓ 7) West Virginia Governor Arch Moore will seek re-election according to Dent because he has a poll showing him ahead of Jay Rockefeller. The President leads all Democratic contenders in West Virginia by at least 13% when Wallace is in the race.

✓ 8) David Treen lost the Louisiana Gubernatorial race to Congressman Ed Edwards because of the solidarity of the Democratic Party and the heavy black vote. Dent believes that this relatively narrow defeat augurs well for the President even if Wallace is in the race.

✓ 9) In North Carolina, Charlie Jonas, Jr. has turned out to be a weak Nixon Chairman who will not dissociate the Jim Holshouser effort to become Governor. Dent has assured the Attorney General that he will continue to try to separate the Nixon and Holshouser operations and to prevent any other campaigns from tying into the President's campaign.

Don Rumsfeld

✓ He forwarded an anonymous political assessment of Hawaii which indicates that "the likelihood of the President carrying Hawaii seems very slender". There are no races state wide in Hawaii in 1972.

Tom Evans

✓ 1) The primary responsibilities of the RNC in the 1972 Campaign will be voter registration, voter turnout, and ballot security. The registration drive (Target '72) began in Florida and Texas in January and will continue through the spring. Ed DeBolt at the RNC is the man responsible to register 1 1/2 million Republicans by May 15 and 8 million by October 1972.

-4-

W/M

001302

2) Tom Evans asked Jeb Magruder to censure John Lofton for his POW wife call last week. Evans does not feel he controls Lofton. Chuck Colson is exerting more control over Lofton and Monday with only occasional complaints from Evans.

Charlie McWhorter

Don't censure him for one
thing - his own 100
thing right
During the campaign he will continue to travel at AT&T's expense. However, he has terminated his formal ties with the Vice President's office to protect against any suggestion of impropriety.

Magruder's Projects

1) Advertising -- The newspaper ads that Peter Dailey prepared and you reviewed on February 14 will run in New Hampshire. You did not view the TV spots which are not scheduled to run in New Hampshire. The decision as to the extent of the media campaign in Florida will be made when the Florida follow-up telephone poll arrives.

2) New Hampshire/Florida -- The extensive direct mail (\$75,000 in New Hampshire and \$100,000 in Florida) and telephone (\$25,000 in New Hampshire) campaigns are continuing as planned.

3) Wisconsin -- A campaign plan prepared by the Davis Agency for Nixon State Chairman John MacIver has been submitted to Magruder for review before submission to the Attorney General. *Why didn't it go to Dailey?*

4) Farm -- Clayton Yeutter, the farm director at 1701, hired John Foltz, visited Secretary Butz, farm Senators and Congressmen, and worked with USDA on the rural development issue.

5) Elderly -- Fred Malek has been asked to "untangle" the White House/1701 confusion. His report is due March 1. Arthur Flemming is now scheduled by the 1701 speakers bureau. Danny Todd and Peter Dailey are re-working HEW films for the elderly.

6) Spokesmen Resources -- Schedules for New Hampshire, Florida and Wisconsin are submitted weekly.

WH

000687 -5-

7) California -- The California delegation list for the RNC Convention has been submitted to the Attorney General. The Los Angeles County list has not been completed. The Attorney General authorized \$150,000 for a special 1,000,000 new young voters drive in California under the direction of Ken Rietz.

8) Campaign Strategy Group -- At the February 7 meeting the group approved the title for the campaign newspaper (The Re-Elector). Bob Teeter informed the group that the "President was in good shape in 17 of 19 target states, and was running ahead of his 1968 margin. Important issues are Vietnam, inflation, and order/calmness (in the President's favor), environment, race, health care (even), unemployment, crime/drugs (negative)."

9) Campaign Briefing -- Fred Malek and Jeb Magruder are considering a briefing for the White House staff on the activities at the Committee for the Re-election of the President.

10) Media Monitoring -- Van Shumway is establishing state by state systems to review press coverage and to counteract negative comments. The Illinois program with weekly reports will serve as the model. The Attorney General does not receive the proposal, but Shumway is proceeding with Magruder's concurrence.

11) RNC Convention -- Timmons and Magruder have asked the Attorney General to establish a permanent office in San Diego with Chick Cudlip as Executive Director. No decision has been reached. Timmons is meeting bi-weekly with Senator Dole, Representative John Rhodes, Dick Herman, John Dean and Bryce Harlow on plans for the Convention.

12) New York -- The Attorney General is using Bob Marik (generally considered the best man at 1701) as the staff man for regular contact with Governor Rockefeller's staff.

13) Magruder is seeking authority for approval of Campaign media by Cliff Miller instead of you for the White House. Repeated explanations to Magruder that you only want to see the material on an FYI basis have not convinced him that this is unnecessary. Magruder frequently finesses Miller (e.g. the infamous RNC film) in spite of the fact that Miller is the final media review for the Attorney General. However low your interest in the media materials you should continue to receive them on an FYI, not approval, basis.

Right

000000

453

WH

001303

14) Magruder and Colson are increasingly at odds. The most recent dispute concerns the "line" as to whether Muskie should be personally attacked on his war stand. After your "consciously aiding" statement Magruder and Miller thought they had an agreement on behalf of the Attorney General that Colson was not to continue programming hits at Muskie. Colson continued the attack on Muskie through Cabinet and Hill spokesmen. Magruder plans on seeking authority from the Attorney General to be the only contact with the spokesmen to the express exclusion of Colson.

*This is not acceptable —
Colson is acting under express
instructions. Tell Magruder
to tell to me if he has
a problem —
H*

GJM
2/16

34. On December 31, 1972 Howard Hunt wrote to Charles Colson, requesting that Colson meet with Hunt's attorney, William Bittman. Hunt said, "There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th." (Hunt's wife had been killed in a plane crash on that date.) On January 2, 1973 Colson wrote to Dean forwarding a copy of Hunt's letter. The transmittal slip from Colson stated, "Now what the hell do I do?" On January 3, 1973 John Ehrlichman, Colson and Dean met to discuss Hunt's letter. Ehrlichman and Dean have testified that the three discussed the subject of executive clemency. Colson has stated he met privately with Dean and discussed the need to give personal reassurance to Hunt. Later that day and on the following day, Colson met with Bittman. According to Colson, Bittman told him that if Hunt went to jail, Hunt did not want to stay in jail beyond the end of the year, and Colson replied that he could not make any representation, but that as long as he was around he would do everything he could to help Hunt.

Page

34.1	Letter from E. Howard Hunt to Charles Colson, December 31, 1972 and memorandum from Charles Colson to John Dean, January 2, 1973, SSC Exhibit No. 34-28, 3 SSC 1233-34.....	457
34.2	John Ehrlichman log, January 3, 1973 (received from SSC).....	459
34.3	John Dean testimony, 3 SSC 973-74.....	460
34.4	John Ehrlichman testimony, 6 SSC 2607-09.....	462

- 34.5 Charles Colson draft statement prepared for
delivery to SSC, 1, 23-27 (received from SSC).....465
- 34.6 Memorandum to file from Charles W. Colson,
March 23, 1973, 2:15 p.m. (received from SSC).....471
- 34.7 Memorandum to file from Charles W. Colson,
January 5, 1973 (received from SSC).....472

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EXHIBIT NO. 34-28

THE WHITE HOUSE

WASHINGTON

1/2/73

TO: John Dean

FROM: Charles Colson

Now what the hell do I do?

1234

HOWARD HUNT

December 31, 1972

By Hand

Hon. Charles W. Colson
Special Counsel to the President
The White House
Washington, D. C.

Dear Chuck:

The children and myself were touched by your letters, and we deeply appreciate your sympathy. I am unable to reconcile myself to Dorothy's death, much less accept it.

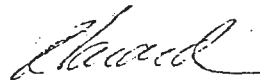
For years I was aware that I depended upon Dorothy, but only now do I realize how profound that dependence was.

Her death, of course, changes my personal equation entirely, and I believe that my paramount duty now and in the future is to my children, particularly to my 9-year-old son who was unusually dependent upon his mother, particularly since last June's tumult began.

I had understood you to say that you would be willing to see my attorney, Bill Bittman, at any time. After my wife's death I asked him to see you, but his efforts were unavailing. And though I believe I understand the delicacy of your overt position, I nevertheless feel myself even more isolated than before. My wife's death, the imminent trial, my present mental depression, and my inability to get any relief from my present situation, all contribute to a sense of abandonment by friends on whom I had in good faith relied. I can't tell you how important it is, under the circumstances, for Bill Bittman to have the opportunity to meet with you, and I trust that you will do me that favor.

There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th. I do believe in God - not necessarily a Just God but in the governance of a Divine Being. His Will, however, is often enacted through human hands, and human adversaries are arraigned against me.

Sincerely, and in friendship,



TUESDAY, JANUARY 2, 1973

9:00 a.m. Depart Freedman Field, Haley, Idaho
Convair 815
Flying time: 3:45
1:45 Arrive Lambert Field, St. Louis
2:30 Depart St. Louis, Flying time: 2:05
5:40 Arrive Dulles - Page Airways
Car and station wagon to residence

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✓ WEDNESDAY, JANUARY 3, 1973

9:45 Roy Ash, Shultz, HRH, Ziegler
11:00 Kissinger, Shultz (energy)
12:00 John Dean
1:00 Herb Kalmbach (Mess)
3:20 Ken Cole
3:45 Minnick, Hullin
4:40 Flanigan
5:45 Roy Ash
7:00 Colson, Dean

✓ THURSDAY, JANUARY 4, 1973

7:30 Conference Dining Room - Weinberger, Lynn, Butz
11:30 Vernon Jordan
12:30 AG, Dean (Mess)
1:30 Haircut
3:00-5:00 President, HRH
6:00 Shultz, Ash, Stein, Timmons, Ziegler, Hullin

✓ FRIDAY, JANUARY 5, 1973

8:30 Bipartisan Leadership - State Dining Room
12:15 Governor Nelson Rockefeller
2:00 Press briefing (reorganization)
3:00 Gene Risher (UPI)
3:40 Dean, Colson
4:15 Hobart Lewis, Albert Cole, Kent Rhodes (postal rates)
5:00 President
5:45 Conference Dining Room - Haig farewell
6:00 Reception for Freshmen Congressmen

Mr. DEAN. As I was commenting before the break, on page 135 in dealing with the subject of Executive clemency for Mr. Hunt and others, I was out of my office from roughly December 22 until the morning of January 3. The latter part of this time I was in California with other members of the White House staff and their families on a short vacation. I received a call on the morning of January 2 while awaiting takeoff from California in the President's new Air Force One. The call was from Paul O'Brien, who told me that there were some serious problems and I should speak with him as soon as I returned to Washington. He told me that Mr. Hunt was off the reservation. I was traveling with Haldeman and told him about the call.

When I arrived in Washington that evening, I called O'Brien and he told me that Hunt was quite upset and wished to plead guilty but before he did so he wanted some assurances from the White House that he would receive Executive clemency. O'Brien told me that Hunt would only take the assurances from Colson and that Bittman had been trying to reach Colson. I told O'Brien that I doubted if Colson would be willing to give any such assurance because he was staying at more than arm's length from Hunt. I told O'Brien that I would have to talk with him about it in the morning.

On the morning of January 3, I received another call from Mr. O'Brien saying that the matter had to be resolved immediately because he had talked to Bittman, and they had been trying to get hold of Colson without any success. Colson called me to tell me that Bittman was trying to reach him and asked me if I had seen the letter that Hunt had sent him. I have submitted a copy of the letter to the committee.

[The letter was marked exhibit No. 34-28.*]

Mr. DEAN. I told Colson that I had not seen the letter, I had just returned to my office, and while we were talking I found in my mail a memorandum from Colson with a letter attached from Hunt in which he was desperately pleading to have Colson meet with his attorney, Mr. Bittman. I told Colson that I was aware of the fact that Bittman wanted to discuss the matter of Executive clemency for Hunt and that Hunt would only take assurances from him—Colson. As I recall, Colson said that he did not want to meet with Mr. Bittman but he would do whatever I suggested. I told him I would get back in touch with him.

I next met with Ehrlichman and told him about the situation and he thought that Colson should meet with Bittman. I do not believe Colson was present when I first discussed this with Ehrlichman. I informed Colson that Ehrlichman thought he should meet with Bittman.

In trying to reconstruct as best as I recall what occurred, there was a meeting in Ehrlichman's office on January 3, after Mr. Colson had had a conversation with Bittman about Hunt's potential for Executive clemency. I recall that when Colson came to the meeting with Ehrlichman he was extremely shaken, which was unlike Colson. He was not specific in his arguments to Ehrlichman but he said that he felt it was imperative that Hunt be given some assurances of Executive clemency.

The meeting in Ehrlichman's office did not last long and Ehrlichman said that he would have to speak with the President. Ehrlichman told Colson that he should not talk with the President about this. On

*See p. 1233.

January 4, I learned from Ehrlichman that he had given Colson an affirmative regarding clemency for Hunt and that Colson had talked with Bittman again about the matter. There was another meeting on this subject on January 5, in Ehrlichman's office, in which Colson explained exactly what he had told Bittman regarding clemency. He said that he had told Bittman that he could not give a specific commitment but he gave him a general assurance. He also said that he told him that clemency generally came up around Christmas and that a year was a long time. It was as this meeting was ending that I said to Ehrlichman that this will obviously affect all of the others involved as the word will spread, and can I assume that the same commitment extends to all? He said that no one could be given a specific commitment but obviously, if Hunt was going to get an assurance for clemency the others could understand that it applied to all.

After the meeting in Ehrlichman's office, Colson told me that although Ehrlichman had told him that he (Colson) should not discuss this matter with the President, that he, in fact, thought it was so important that he had taken it up with the President himself. I also learned shortly thereafter, as a result of a telephone call from O'Brien, that Bittman had informed O'Brien that Hunt was satisfied with Colson's assurances.

As I shall state later, the President himself raised this subject on two occasions with me, and told me that he had discussed the matter of Executive clemency for Hunt with both Ehrlichman and Colson. The President raised this with me on March 13, 1973, and April 15, 1973.

CAULFIELD'S DEALINGS WITH MCCORD—JANUARY 1973

While I was in California during the late December/early January, as I referred to a moment ago, 1973, I received a call from Mr. Fielding who told me that Jack Caulfield had received a letter from McCord. Fielding was not explicit regarding the contents of the letter, and said that he had taken down the letter and that I could read it when I returned in the next day or so to the office. I have submitted a copy of the letter transcribed by Fielding to the committee.

[The letter was marked exhibit No. 34-29.*]

Mr. DEAN. Within 2 or 3 days of my return to the office—that is between January 3 and 5, Mr. Caulfield came to my office with the original letter. I do not know what I did with the original, but I believe I gave it to Paul O'Brien. I know that O'Brien and I discussed the matter, because he told me that McCord was not cooperating with his lawyer—Mr. Alch. O'Brien also told me that Bittman had planned a CIA defense to the case, but McCord, who initially had been willing to go along, later refused.

O'Brien subsequently talked with Mitchell about the matter, because Mitchell called me and informed me that he had discussed the matter with O'Brien, and Mitchell asked me to request that Jack Caulfield talk with McCord to find out what he was going to do. I told Mitchell I would ask Caulfield to speak with McCord. When I later tried to reach Caulfield he had gone to California for a drug conference. I later informed Mitchell that Caulfield was out of town.

*See p. 1235.

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Hunt. The significance of these Xerox copies of photographs to the then-unknown alleged break-in of Dr. Fielding's office was, of course, not then realized, since I had no knowledge whatsoever of the Department of Justice file in the Pentagon Papers case until that matter was transferred to the Criminal Division as a result of the abolition of the Internal Security Division March 26, 1973 and the significance did not thereafter become apparent until a check was made of the CIA material in the Criminal Division on or about May 3, 1973, in connection with the case of *United States v. Anthony Joseph Russo, Jr., et al.* as a result of the Government disclosure of the memorandum of April 16, 1973, to me.

I thought it was only fair to Mr. Petersen to put that affidavit which gives his version of how he came to have knowledge of the alleged break-in of Ellsberg's psychiatrist and that, of course, was not until this year.

Mr. EHRLICHMAN. Senator, I certainly have brought you only hear-say on this.

Senator GURNEY. I understand.

Mr. EHRLICHMAN. I did it not for the purpose of the truth of the statement but I did it in response to a question about what I thought at the time about who knew about this.

Now, what the affidavit doesn't say, that you all might be able to determine, is whether or not Mr. Dean was correct in what he told me about what those pictures showed because he told me that one of the pictures was a picture of G. Gordon Liddy standing in front of Dr. Fielding's name plate and that the other pictures were pictures of ransacked premises.

Now, if, in fact, the affidavit is correct, and they got these things in the Justice Department back in October of 1972, which would have been sometime ago with G. Gordon Liddy standing in the foreground, that might cast more dignity upon Mr. Dean's statement to me than just taking the bare affidavit. But again I hesitate to say in fairness to Mr. Petersen that I don't vouch for the truth of what Mr. Dean told me about this. I just have to tell you what he thought at the time.

Senator GURNEY. Well, I realize that, and my introduction of the affidavit was in no way to impeach your testimony, but only to show that Mr. Petersen has an entirely different viewpoint of this, which I think is important from his point of view as well as the Justice Department.

Mr. EHRLICHMAN. I understand.

Senator GURNEY. It also raises an interesting point, too, about how Mr. Dean could have found out a year ago if the Justice Department itself didn't receive the information until October of last year. That certainly is a conflict of testimony.

Senator ERVIN. I think maybe I had better put in the record that this affidavit which you have offered without objection on the part of any member of the committee is received as an exhibit and the reporter will mark it appropriately as such.

[The document referred to was marked exhibit No. 93*.]

Senator GURNEY. One of the important pieces of testimony in this hearing, Mr. Ehrlichman, involves the whole matter of Executive clemency, whether the President actually authorized anybody to offer Executive clemency to any of the defendants. And I am sure you know this has come up in our testimony. I would like to examine that area for a moment.

*See p. 2652.

First of all, did you have—your logs show that you had meetings with John Dean on January 3, 1973, January 4, and January 5.

Would you tell the committee what the subject of those meetings was, beginning with the 3d?

Mr. EHRLICHMAN. On January 3, I met twice with Mr. Dean, once alone at noon and once at 7 p.m. with Mr. Colson. The meeting with Mr. Colson related to a letter which Mr. Dean had told me about at our earlier brief meeting, and this was a letter which I believe Mr. Colson had received from Mr. Hunt. I believe I am correct about that. It was a very melancholy and a very passionate kind of letter. I think the letter is in the record, as a matter of fact. And it talks about his being abandoned by his friend and so on. It was on the heels of Mr. Hunt having lost his wife.

Mr. Colson was genuinely concerned and shaken by this. He had had long friendships with the Hunts, both Mr. and Mrs., and he had proposed to Mr. Dean that he get together with Hunt or with Hunt's attorney, at least, to register his continuing friendship and his compassion for Hunt's loss of his wife and so on, and so that Hunt would not feel that he had been abandoned by his friend. This is the thing that we discussed with Mr. Colson that evening at 7 o'clock.

I took it as almost a given in the meeting that there would be some contact between Mr. Hunt or his attorney and Mr. Colson. And it was simply a question of what the proper conduct would be under the circumstances, it being, obviously, delicate to have a White House contact of one of the defendants right at this particular point in time. So it was discussed and it was discussed in terms not of a personal meeting between them, which is what Mr. Hunt, apparently, wanted in the letter, but Mr. Colson talking with William Bittman, who was then Hunt's attorney, and conveying this message of support, personal support through that avenue.

Mr. Dean raised the cautionary warning that if anybody from the White House sat down with Mr. Bittman in a situation like this, that there was an inevitable opportunity for misunderstanding as to the purpose of the meeting, as to assurances that might or might not be given, and so forth.

Clemency was obviously at the forefront of everybody's mind in this meeting as one of the things which was a potential danger, and I advised both people at the meeting, Mr. Dean and Mr. Colson, of a previous conversation that I had had with the President on that subject, and indicated to them that—

Senator GURNEY. That was back in July, was it?

Mr. EHRLICHMAN. Yes, sir. I indicated to them the substance of that conversation, which was that the President wanted no one in the White House to get into this whole area of clemency with anybody involved in this case, and surely not make any assurances to anyone.

Mr. Colson said that he was sure that he could avoid that pitfall and have the conversation. He was advised by Mr. Dean to either take notes or make such mental notes of the conversation that he could reconstruct the conversation if the question ever came up again. And that is what Mr. Colson did. We had a subsequent meeting where—

Senator GURNEY. Before we go to the subsequent meeting, could you be a little more explicit in your testimony as to how the discussion arose about Executive clemency? Who brought it up, and who said what on this subject at the January 3 meeting?

Mr. EHRLICHMAN. I can't say who brought it up, Senator. We were going over the potential problems that could come from Mr. Colson having a contact, either with Mr. Hunt or his attorney. It had been his firm practice not to have any contact with Mr. Hunt because of the imputation, because frankly, everybody knew they were close, that they had been close friends. There had been a lot of suspicion that somehow, Mr. Colson might be implicated in the Watergate because he was a close friend of Mr. Hunt's, and Mr. Colson was leaning over backward to do everything he could to avoid giving any credence or credibility to that suspicion.

So when we got into the decision that he would have contact with Bittman rather than Hunt, I think it was John Dean who said, "You are going to be asked whether you are willing to get Hunt out at some time in the future."

Senator GURNEY. How did Dean know that he was going to be asked that?

Mr. EHRLICHMAN. Well, it was conjecture, but I mean it was in the realm of what kind of problems are you liable to confront and you had better be ready for this, and look out, and what is your response going to be? I think both Dean and I had some mental reservations about the desirability of this, but Mr. Colson had a very strong friendship urge, so to speak—I mean, here was this really moving letter and he was saying, "I just can't leave this fellow without hearing from me."

Now, how do we go about this?

Senator GURNEY. All right, now, you have a meeting on January 4, the next day. Did that involve this subject at all?

Mr. EHRLICHMAN. No, that included Attorney General Kleindienst.

Senator GURNEY. And it had nothing to do with the Hunt problem?

Mr. EHRLICHMAN. I do not believe so. I do not think it was ever mentioned.

Senator GURNEY. I see you had a meeting, too, on that day January 4, with the President. Did you discuss Watergate in any fashion on that meeting?

Mr. EHRLICHMAN. I do not recall, Senator. That would have been my first meeting with the President after I came back from about a 2-week absence. My guess is that the—well, let us see. About an hour of that. I think, was by myself—no, let us see, that was with the President. Mr. Haldeman, and then Dr. Kissinger came in for about 45 minutes of that meeting. I believe that was a catchup session on just the problems that had accumulated during my long absence, but I just do not have any recollection of specific topics.

Senator GURNEY. Do you have notes on that meeting at all?

Mr. EHRLICHMAN. Well, I do, but they are not in my custody and I have to be like an elephant and suck up the contents and then come somewhere and try to regurgitate them. It is a laborious process, because we, as you know, are not in a position to make any notes or copies. So I do not have—

Senator GURNEY. Have you checked that meeting recently, the notes of that meeting?

Mr. EHRLICHMAN. No, sir: I have not. All I have is the President's log which shows who was in the meeting.

Senator GURNEY. Let us turn to January 5, now, a meeting with Dean and Colson.

100

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

publicity for the White House. I have regretted my decision ever since; it was a cowardly act.

I also received a letter dated December 11, from Kevan Hunt asking my help in getting his mother's body buried at the Rosebud Indian Reservation. Dorothy Hunt was one-eighth Sioux Indian. Once again, I referred this letter to John Dean under a cover memo of December 13, 1972. Both Kevan Hunt's letter and my memo to Mr. Dean have been furnished to the Committee staff.

The other matter I recall in the month of December was when Mr. Dean asked me whether I had called General Cushman in 1971 when Hunt first came into the White House. I told him I had not. It was not until the publicity of recent months that I learned that the Department of Justice had asked Mr. Dean who had made the original call.

On December 31, Hunt acknowledged my two handwritten notes in a sad and moving letter, a copy of which was delivered to your staff in early May. I merely sent the letter to Mr. Dean on January 2 with a cover note, which Mr. Dean has already

read into the record. The note says, "Now what the hell do I do?"

On January 3, I believe while I was in the White House Staff Mess having lunch, Mr. Dean called to say that he had to see me urgently. I saw him, I think in his office. He asked me to see Howard Hunt. I recall being annoyed by his request. For one thing, I was tired and overworked, having spent most of New Year's weekend at the White House on matters related to the resumed Vietnam peace negotiations and the President's announcements. Also, I was preparing to leave the staff in a matter of weeks and did not at that point want to become involved in any Watergate matters.

Dean told me that Hunt was in very bad shape, on the verge of cracking up and that I simply owed it to him to see him and reassure him of my continued friendship. I must also say that I was personally moved by Hunt's letter.

I told Mr. Dean I would have to think about it. At the same time Mr. Bittman was placing calls to my office, leaving messages that he wanted to see me. As I recall, I called

Dean an hour or two later. I told him I would not see Mr. Hunt, but that I would, as Mr. Hunt had asked in his letter, see Mr. Bittman. I said I could not do it that day, that I was too busy, but I would in the next day or so. Mr. Dean responded, "All the lawyers are meeting across the street," which I assumed meant the Committee for the Re-election offices at 1701 Pennsylvania Avenue. He said it was urgent that I see Bittman immediately. I told Mr. Dean I did not want to be involved in what was going on "across the street."

Mr. Dean went on to explain the urgency, saying that Mr. Bittman intended to argue a motion to suppress the Government's evidence from Hunt's safe; that I would be called as a Government witness to testify that Hunt's employment had, in fact, been terminated in March of 1972 and that, therefore, he had been using the safe without authorization. Mr. Dean said I should at least explain these facts to Mr. Bittman. In view of my continuing objections, Mr. Dean suggested we discuss the matter with John Ehrlichman. We went to Mr. Ehrlichman's office. Mr. Dean explained to Mr. Ehrlichman that he had asked me to see Mr. Bittman, but that I was reluctant to have any contact with Mr. Hunt or his lawyer. Mr. Ehrlichman said he

saw no reason for me not to see Bittman but, obviously if Bittman should make any appeals on behalf of his client, I should be careful to make no commitments or representations.

I did see Mr. Bittman late that afternoon. Throughout the discussion, Mr. Bittman never asked for executive clemency for Hunt and I never offered it. In fact, executive clemency was never mentioned. The bulk of the discussion concerned Hunt's physical and mental condition -- his concern for his children -- his physical and mental inability to endure either a long trial or a long prison term -- and the motion to suppress as to which I discussed in some detail the circumstances surrounding Mr. Hunt's termination, the fact that he had abandoned his safe and that the Government had properly seized the evidence contained in it. Mr. Bittman's major concern, as he expressed it to me, was his inability to negotiate with the prosecutors a plea to a reduced number of counts; further that he had been unsuccessful in getting Hunt's trial delayed in the light of Hunt's personal tragedy. I thereafter reported to Mr. Dean and Mr. Ehrlichman the substance of my conversation with Mr. Bittman and expressed my personal sympathy for Hunt's plight.

Mr. Bittman asked to see me again on the 4th. He came

to my office late in the afternoon. He informed me that he had dropped the motion to suppress and thought I would like to know that he believed he was now making headway in negotiating a reduction of the number of counts in consideration for Hunt's pleading guilty. He restated his concern over Hunt's ability to stand trial or to endure a long prison term.

Following the second meeting with Mr. Bittman, I prepared a memorandum containing the substance of our two conversations, a copy of which was delivered to Mr. Dean. I might note that, while Mr. Dean seemed to have almost total recall for minute detail in his 248 page opus, he overlooked this memorandum in his testimony. The memorandum makes clear that I told Mr. Bittman under no circumstances could I do anything more for his client than assure him that I was his friend and, as such, that I would try to help him anytime. I specifically told Mr. Bittman I could make no representations as to what I might or might not be able to do if in fact Mr. Hunt was sentenced and imprisoned. A copy of this memorandum was delivered to your staff on May 3.

Mr. Dean's testimony relative to this issue -- that is,

March 23, 1973

2:15 p.m.

MEMORANDUM FOR THE FILE

FROM: CHARLES COLSON

Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation, that I had not seen Howard Hunt since the Watergate, that I had seen his lawyer twice, perhaps three times, at his lawyer's request (and at John Dean's request). Bob asked what I had told Bittman, and I simply said that I told him essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard.

Bob asked whether I told Howard Hunt that his sentence would be commuted before Christmas and I said no, that I had not, that his lawyer had come to me and said that Hunt did not want to go to jail, that he was going to jail, but didn't want to stay in jail beyond the end of this year. I told Bittman that I had no control over that, that I couldn't make any representations in any respect, but that so long as I was around, I would do anything I could to help Hunt, that I felt he had been punished enough and that he should not be subject to further punishment. I told Bob that I was very clear in what I had said to Bittman, that in fact I wrote it down as I was saying it so that there would never be a misunderstanding, that I had made very explicit memoranda for the file and that I had advised Ehrlichman and Dean of the conversations since I had been asked by Dean to see Bittman.

Bob asked whether I had ever used anyone else's name in the conversation and I said no, that I had not. He asked whether Hunt might have the impression from my communication with Bittman that he, Hunt, would not serve beyond the end of this year in prison and I said that he might well have drawn whatever conclusions he wanted to from my having said that I would do anything I could to help him, having said that in response to the specific point that Hunt did not want to serve beyond the end of the year. However, Bittman, in my conversations with him, understood fully that I was not in a position to say anything more explicit than what I did say.

THE WHITE HOUSE

WASHINGTON

January 5, 1973

MEMORANDUM FOR THE FILE

SUBJECT: Interview with Bill Bittman

On January 3, Bill Bittman asked to see me. He said it was a matter of considerable urgency. He had made the request several times in the past and on the advice of John Dean, I had refused to see him. Dean told me on the 3rd, however, that I should see him, that he had some questions to ask which I had to answer and that it was appropriate inasmuch as my testimony could be involved in a motion to suppress certain evidence, that I give Bittman the courtesy of an interview so that he could find out that facts directly from me.

Bittman asked me about the circumstances of Howard's leaving. I described them to the best of my recollection as I had described them to the U.S. Attorney and the FBI. I told Bittman that I had not known that Howard was still on the payroll. Inasmuch as Joan Hall had signed all of his time sheets, I was under the impression that he had gone to the Committee in March or perhaps even earlier to work for Gordon Liddy.

I explained to him that I found out Howard was still on the payroll and had to be formally removed when he asked me in March if there were any way his retirement could be reinstated even for a day so that he could revise the survivors benefit election which he had made upon retirement from the CIA a year earlier. He explained that his health was not good as he had had another ulcer attack and that he wanted to be sure to provide for Dorothy in the event he should pre-decease her. I explained to Bittman that I had asked Hunt for a memo, he gave it to me, that I gave in turn to Dick Howard for handling and that Dick at that time took Howard off the payroll, but also tried to resolve the retirement situation.

Bittman told me that he had intended to bring the motion to suppress on the grounds that Howard had continued to use his office and safe and that, therefore, the Government had no right to enter the safe. I explained to him that I did not know at the time that Howard still had a White House pass, although I subsequently learned that was the case because of an administrative error in processing, which error grew out of the fact that we tried to give him the opportunity to elect survivors benefits at the time he left. In short, that took his severance out of the normal routine handling that would have otherwise been the case.

During the course of the conversation, Bittman told me that Howard was in a severe depression, that he felt responsible for his wife's death, that he had leaned on her very heavily, that the FBI had told Dorothy of things that they found in the safe which caused severe strain between Dorothy and Howard and great embarrassment to Howard and that all of this was weighing heavily on him now. Bittman said that Howard felt the Government was out to get him. Bittman said that he, Bittman, did not honestly feel Howard could stand trial, that he was obsessed with the concern of his four children, one of whom was so disturbed that apparently he had attempted suicide, another was suffering from brain damage incurred in an automobile accident.

I explained to Bittman that I had known nothing about Watergate. Bittman said that Howard confirmed this, that I was in no way involved. I told Bittman I wanted to stay in that position, that I really didn't want to know the facts, that I hoped Howard was innocent and that I wanted to do anything I could to help Howard because I felt he had been used and had suffered more than any man should be expected to suffer. I told Bittman to please reassure Howard that I as an individual felt real grief over Howard's circumstances, that I would always be a friend, regardless of what he did, that I would always want to try to help in any way I could, even to the point of a character witness if that were useful. I explained that I had not seen Howard and had been unwilling to see Bittman because I thought I could be more helpful to Howard if I kept myself totally uninvolved.

I explained if there were a motion to suppress that, of course, I would have to testify as a Government witness against Howard, that I hoped he would understand that, that I would simply have to tell the truth, that

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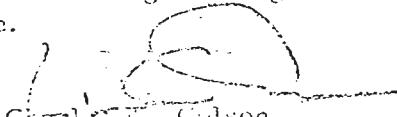
Howard had gone off the payroll and was using his former office and safe without authority, that I would simply have to tell all of the facts as I recall them.

On January 4, Bittman asked to see me again. He told me that he had withdrawn the motion to suppress, that obviously based on what I had told him it would not succeed and there was, therefore, no point in pursuing it. He told me that Howard was on the verge of cracking because he was fearful that if he went to jail something catastrophic would happen to his children. I told Bittman that as a friend I would try to help somehow with his children, perhaps find someone who could assume custody, that I felt Howard had already suffered more punishment than any court could give and I personally hoped he didn't have to go to jail.

I told Bittman that if he did, I would certainly make any recommendations I could anytime, anywhere, that Howard's sentence be mitigated and that he, Bittman, should feel free to call upon me. Just as a human matter, I couldn't imagine any judge sentencing Howard to an extended period in jail, knowing the circumstances of his family and what could be the consequences.

Bittman said that Sirica was a "hanging" judge and that Silbert was a zealot prosecutor, that he, Bittman, had tried to get Silbert to agree to a plea of guilty to certain counts so as to reduce the possible sentence, that Silbert had refused unless all the defendants pleaded guilty. He said that the defendants were not unanimous in their feelings and that Howard might in fact totally crack up and become a mental case if he thought he was going to jail for an extended period and his children would not be cared for.

I told him I thought this was an inhuman situation, that obviously there was nothing anyone could do, but I assured him once again of my personal feelings and my desire at any time to make any recommendations that would be helpful, but I couldn't and wouldn't say more than that, that the last thing anyone should do would be to try to make any representation that would later make Howard's situation more difficult. I simply said I hoped Howard would trust in my friendship, that somehow I would find some way to assist him or his children if necessary. Bittman said he thought simply on a personal basis that knowing that I still felt compassion for Howard would help give him fortitude to get through the trial and suffer whatever consequences there were.



Charles W. Colson

Special Counsel to the President

35. Between January 3 and January 5, 1973 John Caulfield, a friend of James McCord and former assistant to John Dean, delivered to Dean a handwritten copy of a letter Caulfield had received from McCord. McCord's letter stated, "If Helms goes and the Watergate operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall. . . . Just pass the message that if they want it to blow, they are on exactly the right course."

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35.1 Letter from James McCord to John Caulfield, December 28, 1972, SSC Exhibit No. 34-29, 3 SSC 1235.....	476
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1235

EXHIBIT NO. 34-29

ADDRESSED TO MR. JOHN CAULFIELD
POSTMARKED ROCKVILLE MD. DEC 28, 72 PM
REC'D DEC. 29, 72

DEAR JACK

I'M SORRY TO HAVE TO WRITE YOU THIS LETTER, BUT
FELT YOU HAD TO KNOW.

IF HELMS GOES AND THE WATERGATE OPERATION IS
LAID AT CIA'S FEET, WHERE IT DOES NOT BELONG,
EVERY TREE IN THE FOREST WILL FALL.

IT WILL BE A SCORCHED DESERT. THE WHOLE MATTER
IS AT THE PRECIPICE NOW.

JUST PASS THE MESSAGE THAT IF THEY WANT IT TO
BLOW, THEY ARE ON EXACTLY THE RIGHT COURSE.

I'M SORRY THAT YOU WILL GET HURT IN THE
FALLOUT.

January 4, I learned from Ehrlichman that he had given Colson an affirmative regarding clemency for Hunt and that Colson had talked with Bittman again about the matter. There was another meeting on this subject on January 5, in Ehrlichman's office, in which Colson explained exactly what he had told Bittman regarding clemency. He said that he had told Bittman that he could not give a specific commitment but he gave him a general assurance. He also said that he told him that clemency generally came up around Christmas and that a year was a long time. It was as this meeting was ending that I said to Ehrlichman that this will obviously affect all of the others involved as the word will spread, and can I assume that the same commitment extends to all? He said that no one could be given a specific commitment but obviously, if Hunt was going to get an assurance for clemency the others could understand that it applied to all.

After the meeting in Ehrlichman's office, Colson told me that although Ehrlichman had told him that he (Colson) should not discuss this matter with the President, that he, in fact, thought it was so important that he had taken it up with the President himself. I also learned shortly thereafter, as a result of a telephone call from O'Brien, that Bittman had informed O'Brien that Hunt was satisfied with Colson's assurances.

As I shall state later, the President himself raised this subject on two occasions with me, and told me that he had discussed the matter of Executive clemency for Hunt with both Ehrlichman and Colson. The President raised this with me on March 13, 1973, and April 15, 1973.

CAULFIELD'S DEALINGS WITH McCORD—JANUARY 1973

While I was in California during the late December/early January, as I referred to a moment ago, 1973, I received a call from Mr. Fielding who told me that Jack Caulfield had received a letter from McCord. Fielding was not explicit regarding the contents of the letter, and said that he had taken down the letter and that I could read it when I returned in the next day or so to the office. I have submitted a copy of the letter transcribed by Fielding to the committee.

[The letter was marked exhibit No. 34-29.*]

Mr. DEAN. Within 2 or 3 days of my return to the office—that is between January 3 and 5, Mr. Caulfield came to my office with the original letter. I do not know what I did with the original, but I believe I gave it to Paul O'Brien. I know that O'Brien and I discussed the matter, because he told me that McCord was not cooperating with his lawyer—Mr. Alch. O'Brien also told me that Bittman had planned a CIA defense to the case, but McCord, who initially had been willing to go along, later refused.

O'Brien subsequently talked with Mitchell about the matter, because Mitchell called me and informed me that he had discussed the matter with O'Brien, and Mitchell asked me to request that Jack Caulfield talk with McCord to find out what he was going to do. I told Mitchell I would ask Caulfield to speak with McCord. When I later tried to reach Caulfield he had gone to California for a drug conference. I later informed Mitchell that Caulfield was out of town.

*See p. 1235.

facts themselves. And it is relevant to this committee's inquiry as it relates to your conduct at one point or the other.

The request I made a few moments ago was that while some of your testimony will be hearsay in the strict sense, simply identify those parts, that information which you give us in this statement, which you received secondhand.

Mr. McCORD. Most respectfully, sir, I shall try to do so. What I am reading now is firsthand.

Senator BAKER. Thank you.

Mr. McCORD. The sentence that I began: Around 4:30 p.m. that afternoon, January 8, while waiting for a taxi after the court session, Bernard Barker asked my attorneys and me if he could ride in the cab with us to Bittman's office, which we agreed to. There he got out of the cab and went up toward Bittman's office. I had been under the impression during the cab ride that Bittman was going to talk to both Barker and me jointly, and became angered at what seemed to me to be the arrogance and audacity of another man's lawyer calling in two other lawyer's clients and pitching them for the White House. Alch saw my anger and took me aside for about a half hour after the cab arrived in front of Bittman's office, and let Barker go up alone. About 5 p.m. we went up to Bittman's office. There Alch disappeared with Bittman, and I sat alone in Bittman's office for a period of time, became irritated, and went next door where Bernard Shankman and Austin Mittler, attorneys for me and Hunt respectively, were talking about legitimate legal matters. I might add at this point parenthetically no knowledge whatever that either Bernard Shankman or Austin Mittler had any knowledge of whatever of the events which I am discussing in this memorandum.

Alch finally came back, took me aside and said that Bittman told him I would be called that same night by a friend I had known from the White House.

Senator BAKER. Now, at that point, I take it that that is second-hand information?

Senator ERVIN. That is testimony of what he says that his lawyer told him Mr. Bittman said. Of course, as far as Bittman is concerned and the White House is concerned, it is hearsay, but it is his own knowledge.

Senator BAKER. I entirely agree, Mr. Chairman. The point I am making is I want to separate the wheat from the chaff and what his lawyer told him clearly is primary evidence. What his lawyer told him that someone else told him is clearly hearsay after that. But once again, I am not trying to exclude it. I wish simply to identify it as we go along.

Mr. McCORD. I believe I stated it, sir, as it occurred, which was that this was a statement by Mr. Alch.

My statement was that: Mr. Alch finally came back, took me aside, and said that Mr. Bittman had told him that I would be called that same night by a friend I had known from the White House.

I assumed this would be John Caulfield who had originally recruited me for the Committee for the Re-election of the President position.

About 12:30 p.m. that same evening, I received a call from an unidentified individual who said that Caulfield was out of town, and asked me to go to a pay phone booth near the Blue Fountain Inn on

was one of the things which led to Nazi Germany's downfall. When linked with what I saw happening to the FBI under Pat Gray—political control by the White House—it appeared then that the two Government agencies which should be able to prepare their reports, and to conduct their business, with complete integrity and honesty, in the national interest, were no longer going to be able to do so. That the Nation was in serious trouble has since been confirmed in my opinion by what happened in the case of Gray's leadership of the FBI.

E. Howard Hunt has additional information relevant to the above. Hunt stated to me on more than one occasion in the latter part of 1972, that he, Hunt, had information in his possession which "would be sufficient to impeach the President." In addition, Mrs. E. Howard Hunt, on or about November 30, 1972, in a personal conversation with me, stated that E. Howard Hunt's attorney, William O. Bittman, had read to Kenneth Parkinson, the attorney for the Committee To Re-Elect the President, in which letter, Hunt purportedly threatened "to blow the White House out of the water." Mrs. Hunt at this point in her conversation with me, also repeated the statement which she, too, had made before, which was that E. Howard Hunt had information which could impeach the President.

I regret that this memorandum has taken this length to set forth. In view of the nature of the information which I had to furnish, however, it appeared that there was no other way to adequately set this material forth, and to do so in the proper context, without deleting material highly relevant to the events being reported. I shall be glad to appear and answer questions under oath on the material which appears in this memorandum. It has my signature.

I have a further addition relevant to that in the statement which I could read at this time.

The topic of it is the December 1972 letter to John Caulfield. This letter is relevant to the May 4, 1973, memo submitted to Senate Watergate committee and the Federal grand jury, on the subject of pressure to place the blame on CIA for the Watergate operation.

A letter was written to John Caulfield during the week of December 25, 1972; reference to this letter appeared in the press the last weekend. And geared—speaking of my own feelings and at the time the letter was written—and geared because of what appeared to me to be a ruthless attempt by the White House to put the blame for the Watergate operation on CIA where it did not belong, I sought to head it off by sending a letter to Caulfield. This letter was couched in strong language because it seemed to me at the time that this was the only language that the White House understood. The letter read in substance as follows, to the best of my memory:

"Dear Jack: I am sorry to have to write you this letter. If Helms goes and the Watergate operation is laid at CIA's feet where it does not belong, every tree in the forest will fall. It will be a scorched desert. The whole matter is at the precipice right now. Pass the message that if they want it to blow, they are on exactly the right course. I am sorry that you will get hurt in the fallout."

The letter was unsigned and did not contain any message requesting any contact with Caulfield, nor any request for the White House to get me off in the case. I, in fact, sought no such contact at

any time. If I had wanted to talk with Caulfield, it would not have been necessary to go through any complicated arrangements and a trip to William Bittman's office as occurred on January 8, 1973. I need only have made a phone call to Caulfield's office or home. At no time did I ever initiate any such call to Caulfield.

Now, the above letter to Caulfield brings to mind another set of communications of mine on December 6, 1972. On December 4, 1972, Judge Sirica had stated in open court that the jury in January 1973, would want to know who had hired the men for the Watergate operation and why.

On December 6, 1972, the Washington Star carried an article which appeared to me to be an administration-planted story answering Judge Sirica's query stating that "Reliable sources state that McCord recruited the four Cubans and that they believed that they were working for the President on an extremely sensitive mission." This was untrue.

This appeared to me to be laying the groundwork for a false claim at the trial that I was the "ringleader" of the Watergate plot. This would draw attention away from Hunt and Liddy, and I believe possibly away from the White House, since both of them had formerly worked at the White House and I had not.

That same evening December 6, 1972, I sent telegrams to William O. Bittman, attorney for Hunt, and Bernard Barker's residence in Miami, Fla., stating that the story was untrue as they both knew, and I asked for comments by return mail from Barker. I also wrote Hunt a letter on the matter stating that as he also knew, the story was untrue and he could either correct it or I would do so. Copies of the telegrams can probably be obtained from the Western Union Co.

With the letter to Caulfield in late December 1972, I was trying to head off an effort to falsely lay the Watergate operation off on CIA. In the telegrams and letter to Hunt and the others in December 1972, that I have just referred to, I was trying to head off an effort to falsely lay the recruitment of the Cubans off on the writer which would, in turn shift the focus of the trial off of those formerly connected with the White House, namely, Liddy and Hunt than from those who in effect had actually recruited them, namely Mr. Hunt.

I have some other memorandums in the statements that I have here to read, and I can answer your questions at this point or proceed to the reading of the statement, as you would prefer.

Senator BAKER. If it is agreeable with the chairman, Mr. McCord, I would prefer that you go ahead and read the material that you have.

Mr. McCORD. Newspapers over the weekend have also referred to some calls to some local embassies. I will try to explain those in the statement that I will read at this time.

In July 1972, Mrs. Hunt had told me that Paul O'Brien, attorney for CRP, had told her husband that when the Watergate case broke in June, the Committee for the Re-Election of the President told O'Brien that the Watergate operation was a CIA operation, I believe I referred to this in the earlier statement. She said that Howard Hunt had exploded at this and told O'Brien that this was not true; that it was not a CIA operation. A few days later Mrs. Hunt told me that the CRP lawyers were now reporting that the administration was going to allege at the trial that Liddy had stolen \$16,000 and had bribed Hunt

to a designated public telephone booth near his house where I would be calling him. I called him at that public telephone and simply asked him if there was anything I could do for him or his family at this time of personal difficulty. No one had asked me to make this call and I was motivated entirely by my own personal concern for his condition and that of his family.

To deviate a bit here I noticed Mr. McCord indicated here his conversation with me on that occasion coming of a story relative to a double agent Alfred Baldwin. I do recall him mentioning that, I did not when I made this statement, that is in fact correct.

I did not see or hear from Mr. McCord again until I received an anonymous letter at my home in December of 1972. It was typewritten, a note approximately two paragraphs in length and, to the best of my knowledge said:

Dear Jack—I am sorry to have to tell you this but the White House is bent on having the CIA take the blame for the Watergate. If they continue to pursue this course, every tree in the forest will fall and it will be a scorched earth. Jack, even you will be hurt in the fallout.

I examined the letter and found that it was postmarked in Rockville, Md., and thereby believed that the letter was from James McCord because he lived in Rockville. I called Mr. Dean's office and spoke with Mr. Fielding, an assistant to Mr. Dean, and read the letter over the telephone to him. Thereafter I went to Mr. Dean's office and gave him the letter.

In early January of 1973, I was attending a drug conference in San Clemente, Calif. when I received a telephone call in my hotel room from Mr. John Dean. He asked that I go outside the hotel and call him back from a public telephone, which I did. He told me that he had a very important message which he wanted me to deliver to James McCord, that Mr. McCord was expecting to hear from me and McCord would understand what the message referred to. He said the message consisted of three things:

1. "A year is a long time;"
2. "your wife and family will be taken care of;"
3. "you will be rehabilitated with employment when this is all over."

I immediately realized that I was being asked to do a very dangerous thing and I said to Mr. Dean that I did not think it was wise to send me on such a mission since Mr. McCord knew, as many others did, that I had worked closely with Mr. Dean and Mr. Ehrlichman at the White House and therefore it might be quickly guessed that any messages I was conveying were probably from one of the two. The reason I raised this question with him was because, very frankly, I did not wish to convey the message. Mr. Dean asked if I could think of any other way to do it and I suggested that perhaps I could get Mr. Ulasewicz to convey the message over the telephone anonymously, stating that the message had come from me.

Mr. Dean felt this would be all right so I hung up the telephone and called Mr. Ulasewicz in New York. He did not wish to convey the message at first but I convinced him to do it merely as a matter of friendship to me. Mr. Ulasewicz called Mr. McCord's home, and presumably, delivered the same message which Mr. Dean had given to me. He then called me back in California, and reported that he had delivered the message and that Mr. McCord's attitude had been one of

OFFICE OF JOHN WESLEY DEAN III

John Wesley Dean III

Commissioned: Counsel to the President

7/27/70 - 5/19/73

STAFF ASSISTANTS

Fred Fielding - Assistant to the Counsel
Associate Counsel

10/12/70 - 5/1/71

5/2/71 - 2/3/73

Commissioned: Deputy Counsel to
the President

2/4/73 - 5/19/73

Other Service:

5/20/73 - Present

(Mr. Garmen)

John J. Caulfield

7/70 - 6/30/72

J. Dapary Muir

6/1/71 - 12/19/71

David G. Wilson

000143

2/2/71 - 3/12/73

Roy E. Kinsey

11/14/71 - 2/17/73

Jane M. Dannenhauer

11/20/72 - 5/19/73

Other Service:

5/20/73 - Present

(Mr. Garmen)

Marie D. Moulds

4/24/73 - 5/19/73

Other Service:

5/20/73 - Present

(Mr. Garmen)

SECRETARIES

Jane E. Thomas

7/27/70 - 5/19/73

Other Service:

5/20/73 - Present

(Mr. Garmen)

Marie D. Moulds

5/16/71 - 4/23/73

36. On January 11, 1973 Hunt pleaded guilty to all counts of the indictment against him in United States v. Liddy. The remaining defendants, except for Gordon Liddy and James McCord, pleaded guilty to all counts against them on January 15, 1973.

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36.1	E. Howard Hunt guilty plea, <u>United States v. Liddy</u> transcript, January 11, 1973, 121.....	484
36.2	Bernard Barker, Eugenio Martinez, Frank Sturgis and Virgilio Gonzalez guilty plea, <u>United States v. Liddy</u> transcript, January 15, 1973, 422.....	485

THE COURT: I will put that question to you as framed by counsel: Do you accept those as substantially the facts as you know them to be?

DEFENDANT HUNT: Substantially, yes, Your Honor.

THE COURT: You agree with the Government's opening statement insofar as your knowledge of this conspiracy?

DEFENDANT HUNT: Yes, Your Honor.

THE COURT: And your participation in it?

DEFENDANT HUNT: Yes, Your Honor.

THE COURT: Does that answer the question?

MR. SILBERT: Yes, Your Honor, it does.

THE COURT: All right, take his plea.

THE DEPUTY CLERK: Mr. Hunt, in Criminal Case No. 1827-72, do you now wish to withdraw the plea of not guilty which was entered previously and now enter a plea of guilty to Counts One, Two, Three, Four, Five and Eight of the indictment?

DEFENDANT HUNT: I do.

THE COURT: This case will be referred to the Probation Officer for presentence investigation and report.

Do you want to make a statement before I say anything about the commitment?

MR. BITTMAN: Your Honor, of course I would respectfully request for all the reasons I outlined yesterday and other reasons I am prepared to bring to Your Honor's attention,

matter to the Court of Appeals.

Commit the Defendants.

MR. SILBERT: Is Your Honor going to formally take the plea?

THE COURT: Yes.

THE DEPUTY CLERK: Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis, and Virgilio R. Gonzalez, is it your desire to withdraw your plea of not guilty which you entered previously and now enter a plea of guilty to Counts One through Seven of the indictment?

MR. BARKER: Yes.

MR. MARTINEZ: Yes, sir.

MR. STURGIS: Yes.

MR. GONZALEZ: Yes.

THE COURT: All right, the Defendants will be committed. Court is adjourned.

MR. ROTHBLATT: Your Honor, so that we clarify the record, Your Honor propounded certain questions to the Defendants with respect to their conferences with me, Mr. Cope, and Mr. Newmyer. Of course, I would like the record to be clear as I indicated to Your Honor at the bench, the plea that has been entered has not been made with my consent and concurrence.

THE COURT: I understand you did not consent, that is in the letter, the letter speaks for itself.

MR. ROTHBLATT: So it hasn't been changed since that.

37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

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37.1 John Caulfield testimony, 1 SSC 256-58.....	488
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37.3 John Dean testimony, 3 SSC 975-76.....	497

I did try to impress upon Mr. McCord that I was simply a messenger and was not too pleased to even be doing that. I did say that the people who had asked me to convey the message had always been honorable toward me and that I thought it was a sincere offer.

He asked me who I was speaking with at the White House and I said I could not reveal any names but that they were from the "highest level of the White House."

He continually said that all he was interested in was his freedom and that he was not pleased that others who he felt had been involved were not suffering the consequences that he was. In the context of demanding his immediate freedom, he said that he knew of a way in which his freedom could be obtained and asked me if I could convey his plan to the people at the White House with whom I was talking.

His plan, simply, was as follows: On two occasions, one in September 1972 and the other in October 1972, Mr. McCord told me that he had called telephone numbers at foreign embassies in Washington and he stated he was sure these embassies were subjects of national security wiretaps. On both occasions he had stated that he was a man involved in the Watergate scandal and, without giving his name, had inquired as to the possibility of acquiring visas and other traveling papers necessary to travel to these foreign countries.

It was Mr. McCord's theory that if the Government searched its wiretap records, it would find records of these two calls. Meanwhile, Mr. McCord and his attorneys would make a motion in court, aimed at dismissing the case against Mr. McCord because of the use of wiretap evidence by the prosecution. Mr. McCord's idea was that when the U.S. attorney was told that at least two of Mr. McCord's conversations had been intercepted over a national security wiretap, he would be forced to dismiss the case rather than reveal that the two embassies in question were the subject of national security wiretaps.

Mr. McCord was quite adamant in saying that he was sure the Government could secure his immediate release if they wanted to help him and, other than the publicity incumbent on the Government for being forced to dismiss the case against him, such an approach would save the administration any real embarrassment. He gave me a note with the dates of the two conversations that he referred to and told me that he knew this kind of thing had been done before, most recently in the *Ellsberg* case and that he saw no reason why the Government could not at least accomplish this for him. I told Mr. McCord that I would get back to him on the wiretap situation and would probably be calling him in a day or two to set this up. I agreed to carry this message concerning wiretaps back to the White House and the meeting ended.

At no time in our first meeting do I recall saying anything about the President but I specifically renewed the offer of Executive clemency, as indicated above and referred to it as coming from "the highest levels of the White House." At some point in the conversation Mr. McCord said to me, "Jack, I didn't ask to see you." This puzzled me since my clear understanding from Mr. Dean was that McCord had specifically asked to see me.

In any event, I called Mr. Dean on Friday night, January 12, and reported that Mr. McCord did not seem interested in accepting the offer made in Mr. Dean's original message to him, that Mr. McCord

wanted his immediate freedom and that he, Mr. McCord, felt that he had a way to obtain that freedom. I then mentioned over the telephone, McCord's idea for securing his freedom because of the use of national security wiretaps and said that I wished to discuss this matter directly with Dean.

The following day I saw Mr. Dean in his office in the White House and explained to him Mr. McCord's suggestion for obtaining his freedom, as Mr. McCord had described it to me. Mr. Dean said, "Well, I'll check on that." He then turned the conversation back to the offer of Executive clemency. To the best of my knowledge he said, "Jack, I want you to go back to him—McCord—and tell him that we are checking on these wiretaps but this time impress upon him as fully as you can that this offer of Executive clemency is a sincere offer which comes from the very highest levels of the White House."

I said, "I have not used anybody's name with him, do you want me to?"

He said, "No, I don't want you to do that but tell him that this message comes from the very highest levels."

I said, "Do you want me to tell him it comes from the President?"

He said words to the effect, "No, don't do that; say that it comes from way up at the top."

I told Mr. Dean I would get back to Mr. McCord and that indeed, I had told Mr. McCord that I would.

At the meeting with Mr. Dean he also impressed upon me that this was a very grave situation which might someday threaten the President, that it had the potential of becoming a national scandal and that many people in the White House were quite concerned over it. Mr. Dean said that none of the other then-defendants in the Watergate burglary "were any problem," and that Mr. McCord "was not cooperating with his attorney."

I have been asked at the U.S. attorney's office and by Senate investigators, and have tried as best I can to recall what impressions I had at this particular point in time. As best as these impressions can be stated, I believed that I was going back to see Mr. McCord to again extend an offer of Executive clemency and that by my doing so I was doing a great service for the President of the United States in a very sensitive matter. At no time, either before or after this meeting with Mr. Dean did I ever speak to any other White House officials about this offer of Executive clemency. I specifically never spoke to the President of the United States and have no knowledge of my own as to whether he personally had endorsed this offer or indeed whether anyone had ever discussed it with him. Since I had worked extensively for Mr. Dean and Mr. Ehrlichman and had formed an impression that Mr. Dean rarely made decisions on matters of consequence without speaking to Mr. Ehrlichman, my guess was that when Mr. Dean referred to "high White House officials" he at least meant Mr. Ehrlichman. I know that he was in conversation with someone about my contacts with Mr. McCord since, when I was in his office on January 13, he received a telephone call and I heard him say, "I'm receiving a report on that right now" to the party on the other end.

At any rate, I then called Mr. McCord and arranged a meeting with him, again at the second overlook of the George Washington Parkway early in the afternoon on Sunday, January 14. On this occasion we

both got out of our cars and walked down a path from the overlook toward the Potomac River.

This meeting lasted only 10 to 15 minutes. I did most of the talking. I told Mr. McCord that the White House was checking into the wiretapping situation and that I had been asked to impress upon him once again that the offer of Executive clemency was a sincere and believable offer coming from the very highest levels of the White House. I explained to him that among the reasons why I believed that such a commitment would be kept were that the White House officials with whom I was in contact were extremely concerned about the Watergate burglary developing into a major scandal affecting the President and therefore such a promise would not be given lightly. I told him that the White House officials with whom I was talking were complaining because they felt that Mr. McCord was the only one of the Watergate burglary defendants who was refusing to cooperate. At no time on this occasion or on any other occasion do I recall telling Mr. McCord to keep silent if called before the grand jury or any congressional committees.

Senator ERVIN. Mr. Caulfield, we have another vote. I think maybe you had better pause until we get back.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. DASH. Mr. Caulfield, you were in the midst of your statement. I suggest you go back a sentence or two so we will have continuity.

Mr. CAULFIELD. Yes, sir.

Mr. DASH. Actually, perhaps you should go back a little further.

Mr. CAULFIELD. I will pick up a couple of sentences, Mr. Dash.

I told him that the White House officials with whom I was talking were complaining because they felt that Mr. McCord was the only one of the Watergate burglary defendants who was refusing to cooperate. At no time on this occasion or on any other occasion do I recall telling Mr. McCord to keep silent if called before the grand jury or any congressional committees.

His response to my conversation was that he still wanted his immediate freedom and he felt strongly that if the White House had any interest in helping him secure that freedom that they could do something about the two telephone calls which he was sure had been intercepted. I told him I would check on this matter again and get back to him.

I was not attempting to exert pressure on Mr. McCord by telling him of comments I was hearing from the White House; merely, I was attempting to let him know the kinds of things I was hearing from Mr. Dean concerning the White House's attitude toward him if that would be of any assistance to him.

Later on Sunday I telephoned Mr. Dean to report on my meeting with Mr. McCord. I told him that in my opinion Mr. McCord has absolutely no interest in the offer of Executive clemency. I told Mr. Dean that Mr. McCord was still adamant in his belief that the White House had the power to have the charges against him dismissed if it would merely pursue the wiretaps which he had mentioned. Mr. Dean said that I should tell him that there wasn't much likelihood that anything would be done about the wiretap situation and, in response to my comments about McCord's refusal to consider Executive clem-

ency he said something like, "Well, what the hell does he know, anyway?"

Mr. Dean told me to go back to Mr. McCord again and "com-miserate" with him but he did not ask me to renew the offer of Executive clemency. I guessed that the reason why he wanted me to see Mr. McCord again was simply to maintain a friendly relationship with him in case there was a need for any further conversation with him through me. I probably would have met again with Mr. McCord anyway, since I felt badly about his predicament and I considered him a good friend.

In any event, on Monday, January 15, I called McCord to report that nothing seemed to be happening in regard to the wiretap situation. He became quite angry over the telephone and reaffirmed his belief that if the White House really wanted to help him they could do so by using the method he had suggested and that he knew that Mr. Magruder (who was then going to be a Government witness) was going to perjure himself. I also mentioned getting together with him but he said he had no interest in seeing me unless I had something more to talk to him about. He was quite upset so I did not pursue the matter further.

On Tuesday, January 16, I again called him in an attempt to meet with him and he again was highly irritated about the White House's failure to do something about the wiretap situation and again mentioned Mr. Magruder. I said I would inquire further about the wire-taps and I might have something for him "in a week or so."

Subsequently I called him and arranged to meet with him again, the exact date of this meeting being unsure in my mind. We again met at the overlook on the George Washington Parkway, he got into my car and we drove out the parkway, pursuing a course in the general direction of Warrenton, Va. I have no specific recollection as to how long we drove but I would say that it was an hour or two.

I would characterize this conversation as a very friendly one in which a large portion of the time was spent discussing our respective families, how my job at the Treasury Department was going, and various other purely personal matters. I gave him my private telephone number at the Treasury Department and told him that if he or his wife ever wanted me to do anything for them, they should feel free to call me. I told McCord that if he or his wife should decide to call me, to simply use the name "Watson" and I would know who it was. Frankly, this was merely a device to save me from any possible embarrassment.

I do not have a specific recollection as to how it arose, but I believe he asked me if he was still the only one of the Watergate defendants that the White House was concerned about. I said that I thought he was, but that I had no knowledge of what relationship existed between the White House and the other Watergate defendants. He said that the Cuban defendants were quite nervous and in his opinion, might make a statement at any time and that I "could pass that along for whatever it was worth."

I told him there was absolutely no hope, in my opinion, of the White House ever doing anything about the wiretap situation and asked him when he thought he might make a statement. He said that he had not decided that yet, but that he had spoken to his wife and family and that he felt free to make a statement whenever he thought the time was right.

nothing that would indicate such, and I simply wanted to go on the record with Mr. Caulfield to that effect.

Senator GURNEY. We do want to get back to the statement but, in sort, what you are saying is that Mr. Caulfield's friend Watson by name is the man whose voice you heard?

Mr. McCORD. No, sir, that, most respectfully—that is not what I said, sir.

Senator GURNEY. Go on.

Mr. McCORD. I believe Mr. Caulfield used the name Watson. It was not his friend.

Senator GURNEY. I see.

Mr. McCORD. Yes, sir.

Senator GURNEY. All right. Go on. How many times did you hear this unidentified voice?

Mr. McCORD. To the best of my recollection I heard the voice prior to the January call two or three times. I cannot be absolutely sure but at least twice before January.

Senator GURNEY. Were these in connection with contacts with Caulfield?

Mr. McCORD. Always.

Senator GURNEY. Yes. I just wanted to make sure.

Mr. McCORD. Yes, sir.

Senator GURNEY. Thank you.

Mr. DASH. Will you proceed with the statement from where you left off, Mr. McCord, and I guess the prior sentence so we can have continuity.

Mr. McCORD. I believe my last sentence that I read was: The same message was once again repeated, obviously read.

I believe that appears in the statement you have on page 3.

The next sentence was that: I told the caller I would not discuss such matters over the phone. He said that Caulfield was out of town.

On Wednesday evening, January 10, the same party, to the best of my recollection, called and told me by phone that Jack would want to talk with me by phone on Thursday night, the following night, January 11, when he got back into town and requested that I go to the same phone booth on Route 355 near the Blue Fountain Inn. He also conveyed instructions regarding a personal meeting with Mr. Caulfield on Friday night, January 12.

On Thursday evening, January 11, the same party called me at home and told me that Caulfield's plane was late and that he—speaking of Caulfield—wanted to meet with me personally the same evening, that is Thursday evening, after arrival. I told him that I would not do so but would meet with him Friday night if he desired. Later that evening, Thursday evening, about 9:30 p.m., Caulfield called me on my home phone and insisted on talking with me but my family refused to let him do so, since I was asleep.

On Friday night, January 12, from about 7 p.m. to 7:30 p.m. I met with Caulfield at the second overlook, that is overlooking the Potomac at the parking area for looking at the Potomac area on George Washington Parkway in Virginia.

Mr. DASH. Mr. McCord, how did you know to go there? How was it arranged?

Mr. McCORD. I believe it was stated in the Thursday evening call at which this unidentified party said Caulfield would want to meet with me personally and on Friday night said go to the second overlook on George Washington Parkway and he specified the time and that is what I followed through. I met with Caulfield at the second overlook on George Washington Parkway, that is the second one leaving Washington and going out to Virginia and talked with him in his car, in his automobile. Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned. I advised him that I had no objection to meeting with him to tell him my frame of mind but that I had no intention of talking Executive clemency or pleading guilty; that I had come to the meeting at his request and not of my own, and was glad to tell him my views.

He said that the offer of Executive clemency which he was passing along and of support while in prison and rehabilitation and help toward a job later "was a sincere offer." He explained that he had been asked to convey this message to me and he was only doing what he was told to do. He repeated this last statement several times during the course of the meeting we had then, and I might add during subsequent meetings which he and I had.

My response was that I would not even discuss Executive clemency or pleading guilty and remaining silent, but I was glad to talk with him, so that there was no misunderstanding on anyone's part about it.

I might explain that the trial was going on during this period, this was the first week of the trial which began on January 8.

Caulfield stated that he was carrying the message of Executive clemency to me "from the very highest levels of the White House." He said that the President of the United States was in Key Biscayne, Fla., that weekend, referring to the weekend following January 8, the following meeting that we were in then, and that the President had been told of the results of the meeting.

Senator ERVIN. Now the same rule previously announced that this evidence is competent to show what, if anything, John Caulfield did to induce Mr. McCord to plead guilty and keep silent—it is not any evidence at the present state of the hearing that connects or that makes any indication whatever and has any relevancy as to the President.

Mr. McCORD. Yes, sir.

Senator ERVIN. Yes.

Mr. McCORD. He further stated that "I may have a message to you at our next meeting from the President himself."

I advised Caulfield that I had seen the list of witnesses for the trial and had seen Jeb Magruder's name, appearing as a Government witness. I advised him that it was clear then that Magruder was going to perjure himself and that we were not going to get a fair trial. Further I told him that it was clear that some of those involved in the Watergate case were going to trial, and others were going to be covered for—I was referring to John Mitchell, John Dean, and Magruder—and I so named those individuals incidentally in the conversation, and I said that this was not my idea of American justice. I further—

Senator ERVIN. The same ruling applies so far as John Mitchell, John Dean, and Magruder are concerned, that is that it does not connect them legally speaking.

Mr. McCORD. Yes, sir.

I further advised Caulfield that I believed that the Government had lied in denying electronic interception of my phone calls from my residence since June 17, 1972, and that I believed that the administration had also tapped the phones of the other defendants during that time. I mentioned two specific calls of mine which I had made during September and early October 1972, which I was certain had been intercepted by the Government, and yet the Government had blithely denied any such tapping. These were my words to Mr. Caulfield.

I compared this denial to the denial that the Government had made in the *Ellsberg* case, in which for months the Government had denied any such impermissible interception of the calls and yet in the summer of 1972 had finally been forced to admit them when the judge ordered, by court order, a search of about a dozen Government agencies, and calls intercepted were then disclosed.

I might state separate from the record at this point, that as I have previously stated, I had no knowledge whatever of any activity, monitorially or what have you, of Mr. Ellsberg's calls as have previously come out—as have earlier come out in the newspapers in the past few days. It is purely coincidence that I happen to mention the *Ellsberg* case at that time, I had been following the case in the papers and I knew the history of the case.

To go on with the statement: I stated that if we were going to get a fiction of a fair trial, through perjured testimony to begin with, and then for the Government to lie about illegal telephone interceptions, that the trial ought to be kicked out and we start all over again, this time with all of those involved as defendants. At least in this way, some would not be more equal than others before the bar of justice and we would get a fair trial.

The Executive clemency offer was made two or three times during this meeting, as I recall, and I repeated each time that I would not even discuss it, nor discuss pleading guilty, which I had been asked to do in the first telephone call received on the night of January 8, from Caulfield's friend, whose identity I do not know. I told him, referring to Mr. Caulfield, that I was going to renew the motion on disclosure of Government wiretapping of our telephones.

Caulfield ended the conversation by stating that he would call me the next day about a meeting that same afternoon, Saturday, January 13, and that if I did not hear from him, he would want to talk with me by telephone on the evening of Monday, January 15, 1973.

I did not hear from Caulfield on Saturday but on Sunday afternoon he called and asked to meet me that afternoon about an hour later at the same location on George Washington Parkway. He stated that there was no objection to renewing the motion on discovery of Government wiretapping, and that if that failed, that I would receive Executive clemency after 10 to 11 months. I told him I had not asked anyone's permission to file the motion.

He went on to say that, the President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the Government

may fall. Everybody else is on track but you. You are not following the game plan. Get closer to your attorney. You seem to be pursuing your own course of action. Do not talk if called before the grand jury, keep silent, and do the same if called before a Congressional committee.

I might add that two congressional committees had, prior to January 8—prior to that date—been conducting investigations into this case. I believe it was the Patman committee and Senator Kennedy's committee.

My response was that I felt a massive injustice was being done, that I was different from the others, that I was going to fight the fixed case, and had no intention of either pleading guilty, taking Executive clemency or agreeing to remain silent. He repeated the statement that the Government would have difficulty in continuing to be able to stand. I responded that they do have a problem, but that I had a problem with the massive injustice of the whole trial being a sham, and that I would fight it every way I know how.

I should make a correction in the sentence I just read in saying the whole trial being a sham, because I did not at that point in time make any reference at any time to Judge Sirica to the contrary of his being anything but an honest and dedicated judge, and I do not want the sentence to be misread.

He—talking about Caulfield—asked for a commitment that I would remain silent and I responded that I would make none. I gave him a memorandum on the dates of the two calls of mine in September 1972 and October 1972 that I was sure had been intercepted, and said that I believed the Government had lied about them. He said that he would check and see if in fact the Government had done so.

On Monday night, January 15, 1973, Caulfield called me again at the phone booth on Route 355 near my residence. I informed him that I had no desire to talk further, that if the White House had any intention of playing the game straight and giving us the semblance of a fair trial they would check into the perjury charge of mine against Magruder, and into the existence of the two intercepted calls previously referred to, and hung up.

On Tuesday morning, the next morning, about 7:30 a.m., Caulfield called my residence but I had already left for court.

On Tuesday evening, Caulfield called and asked me again to meet him and I responded not until they had something to talk about on the perjured testimony and the intercepted calls. He said words to the effect "Give us a week," and a meeting was subsequently arranged on January 25, 1973, when he said he would have something to talk about.

About 10 a.m., on Thursday, January 25, 1973, in a meeting lasting until about 12:30 a.m., correction—12:30 p.m.—we drove in his car toward Warrenton, Va., and returned—that is, we drove there and returned—and a conversation ensued which repeated the offers of Executive clemency and financial support while in prison, and rehabilitation later. I refused to discuss it. He stated that I was "fouling up the game plan." I made a few comments about the "game plan." He said that "they" had found no record of the interception of the two calls I referred to, and said that perhaps it could wait until the appeals. He asked what my plans were regarding talking publicly, and I said that I planned to do so when I was ready; that I had

discussed it with my wife and she said that I should do what I felt I must and not to worry about the family. I advised Jack that my children were now grown and could understand what I had to do, when the disclosures came out. He responded by saying that: "You know that if the administration gets its back to the wall, it will have to take steps to defend itself." I took that as a personal threat and I told him in response that I had had a good life, that my will was made out, and that I had thought through the risks and would take them when I was ready. He said that if I had to go off to jail that the administration would help with the bail premiums. I advised him that it was not a bail premium, but \$100,000 straight cash and that that was a problem I would have to worry about, through family and friends. On the night before sentencing, Jack called me and said that the administration would provide the \$100,000 in cash if I could tell him how to get it funded through an intermediary. I said that if we ever needed it I would let him know. I never contacted him thereafter; neither have I heard from him.

That completes the statement.

Mr. DASH. That completes it. I have one more question, Mr. McCord.

Have you ever made that statement before this Select Committee other than when you appeared before minority counsel and myself a couple of days ago? Have you ever made that statement before this committee, before the grand jury, or before any investigating body until this time?

Mr. McCORD. No, sir.

Mr. DASH. Would you please state to the committee why, when you were making statements at earlier times before this committee, before the grand jury and other inquiring bodies, you failed to disclose that information?

Mr. McCORD. I will be glad to.

I will take the grand jury and get that one out of the way. When I appeared before the grand jury, I told them that—I raised the question about political pressure, any pressure that had been put onto me by the Hunts. I told them also that there was a personal friend who was involved also in political pressure against me; that personally, at that point in time, it was a very painful thing to go into it, that I would be glad to do it at a later time; that I hoped they would defer that question until subsequent questioning and I would be glad to answer it. They said they would do so.

I believe when I appeared before the committee on March 28, your Senators asked me the same question and I said, yes, there had been political pressure applied to me, that one such pressure had been by a Government—one of your Senators asked me if it were by a Government employee—I think Senator Montoya. I responded, yes. He asked me if it were anyone at the White House. I said, no.

He asked if it were from the Department of Justice, and I said, no.

It was clear, I think, to the committee that I would like to be able to answer that question at a later time. The reason for the delay was that I wanted to be as accurate as I could about the information, get it all together, because it involved the President of the United States, in my opinion, and it was a very serious matter and I wanted to be very careful about it and accurate.

Mr. DASH. I have no further questions, Mr. Chairman.

It was on January 10 that I received calls from both O'Brien and Mitchell indicating that since Hunt had been given assurance of clemency and that those assurances were being passed by Hunt to the others, that Caulfield should give the same assurances to McCord, who was becoming an increasing problem and again I was told that McCord's lawyer was having problems with him. Both O'Brien and Mitchell felt that McCord might be responsive to an assurance from Caulfield, because Hunt, Bittman, and his lawyer, Alch, had lost rapport with him. I told Mitchell I would do so.

Based on the earlier conversation I had with Ehrlichman on January 5 that the clemency assurance that had been given to Hunt would also apply to the others, and Colson's description of how he had given Bittman a general assurance, without being specific as to the commitment, I called Caulfield later that day to request that he get in touch with McCord. Caulfield told me that it would be very difficult, because he was going to be in California for several more days. Caulfield indicated that it would be easier for Mr. Ulasewicz rather than himself to talk with McCord, because he was tied up with a lot of people at the drug conference. I said fine, and then gave him the clemency message similar to the message that Colson had transmitted to Hunt via Bittman. Caulfield wrote down the gist of the message, he repeated his notes back, and I said that was fine, and told him I thought that McCord would be expecting to hear from him as soon as possible. Caulfield said he would have the message delivered right away.

On January 11, I received a call from O'Brien, who asked me if the message had been delivered by Caulfield. I told him that it had. O'Brien told me that McCord wanted to speak with Caulfield personally and asked me when Caulfield could meet with McCord. I told him I would try to arrange it. O'Brien told me he was going to be out of town, but I could reach him if there were any problems. He told me he was keeping Mitchell posted and requested I keep him posted. O'Brien said that we need a firsthand report, a firsthand reading on McCord from someone he will talk with, because he is not talking openly with his lawyer about what he plans to do. I told O'Brien I would call him (O'Brien) as soon as I learned anything.

I called Caulfield on January 11 and told him that McCord wanted to meet with him and asked him if he would do so and take McCord's pulse as to what he planned to do. He told me he would meet McCord as soon as he returned to Washington.

On Friday, June 12, Mitchell called me for a report. I told him I thought I would hear from Caulfield after he talked to McCord. Caulfield called me at home Friday night to inform me that he had met with McCord and suggested we meet at my office in the morning so he could give me a report, that was a Saturday morning. I said fine, and on Saturday morning we met and he gave me a report. The sum and substance of the report was McCord had not decided what he was going to do, but that he wanted his freedom. Caulfield reported that McCord was very annoyed at Magruder. He had seen a picture of Magruder in the paper which had peaked his annoyance. He also told Caulfield that he had a plan that would enable him to get his case dismissed, but his lawyer had not helped him with the matter and the Government had lied to him. He explained that he had made calls to certain foreign embassies, and that these calls had been recorded, but the Government would not admit it.

During this meeting with Caulfield I received a call from either John Mitchell or Paul O'Brien requesting a report on the meeting. I told the caller that I was getting a report from Caulfield and would call back. Caulfield told me that McCord was very adamant about his plans to gain his freedom through the phone calls that he had made to the foreign embassies. I told Caulfield I really did not understand why McCord thought he could get his case dismissed by reason of the wire-taps, but I would give the matter some thought. Caulfield told me that it was his assessment that McCord would only respond to a direct request from the President.

I told Caulfield that he couldn't make such a statement because I had no such request from the President, but suggested he meet again with McCord and keep him happy by telling him we were checking out the matter of his conversations with the Embassies.

Later that afternoon, Caulfield reported again to me that McCord was only interested in his theory about the calls to the Embassies. I told Caulfield to keep in touch with McCord, but I couldn't promise anything about his calling the Embassies. I told Caulfield to have McCord give him a memo on why he thought that his calls to the Embassies would result in dismissal of his case. I called O'Brien and told him what had transpired. On Monday morning I reported to Mitchell what Caulfield had reported.

It was sometime during this period that a result of my reports of Caulfield meetings with McCord, that O'Brien, Mitchell and Mr. Alch discussed having F. Lee Bailey, Alch's partner, meet with McCord and inform him that he would personally handle his case on appeal. Mitchell was to talk with Mr. Bailey about this. I do not know what happened regarding this proposed plan.

On January 19 or 20, Mr. Caulfield brought me copies of McCord's memo regarding his intercepted conversations to the embassies. I have submitted these documents to the committee.

[The document referred to was marked exhibit No. 34-30.*]

Mr. DEAN. I never did anything with these documents, other than inform Mitchell I had received them and I showed them to Mr. O'Brien in my office. I do not recall ever talking with anyone at the Department of Justice, regarding McCord's proposal. At this time I concluded that McCord was going to do what he thought best for himself.

HANDLING LIDDY'S CALL TO KROGH—JANUARY 1973

On January 4, Gordon Liddy called Mr. Krogh. Krogh's secretary received the call and Liddy said that he had received a letter from an investigator for the Senate Commerce Committee about his relationship with Krogh. The letter was part of an investigation being conducted by the committee staff in connection with Krogh's nomination hearings for the Under Secretary of Transportation post. Liddy wished to speak to Krogh, but the call was not put through to Krogh.

Krogh came to my office and asked what he should do. He said he wanted to be able to testify at his confirmation hearing that he had not spoken with Liddy since long before the Watergate incident. I told Krogh that his secretary should return the call. We then worked out a

*See p. 1238.

38. In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered \$20,000 to Peter Maroulis, Liddy's attorney.

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Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know how much that sum was?

Mr. LaRUE. Approximately \$50,000.

Mr. DASH. And did you know that this was part of the \$350,000 at the White House?

Mr. LaRUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of \$280,000?

Mr. LaRUE. Yes, sir.

Mr. DASH. What prompted, to your knowledge, such a large transfer of money?

Mr. LaRUE. I cannot state specifically, Mr. Dash. I had had a conversation with Mr. Dean regarding the need, at this time, I think, for \$20,000 for one of the attorneys, Mr. Maroulis. I had passed this information on to Mr. Dean. Later, he called me back and told me that they were going to deliver the remaining balance they had over at the White House, which was approximately \$280,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?

Mr. LaRUE. That certainly would be my assumption; yes, sir.

Mr. DASH. And is it true that in January 1973, you did pay Mr. Maroulis, counsel for Mr. Liddy, \$20,000?

Mr. LaRUE. That is correct.

Mr. DASH. Now, did you receive \$14,000 from a Mr. Tim Babcock in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. What was that all about?

Mr. LaRUE. I received this money from Mr. Babcock at—I think in Mr. Stans' office. Mr. Stans was present. My understanding, Mr. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Mr. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LaRUE. No, sir.

Mr. DASH. Now, did you make two cash payments, one of \$25,000 and one of \$35,000, to Mr. Bittman, counsel to Mr. Hunt, in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. And did that occur in the same way you have already described?

Mr. LaRUE. No, sir; those payments were delivered to Mr. Bittman at his home.

Mr. DASH. At his home?

Mr. LaRUE. Yes, sir.

Mr. DASH. Who delivered them?

Mr. LaRUE. This was another messenger that delivered them.

Mr. DASH. Another messenger?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you arrange that the same way, by phone call?

Mr. LaRUE. Yes, sir.

39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in United States v. Liddy that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.

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Q Now, do you know the Defendant Liddy here in the courtroom?

(Defendant Liddy stands.)

A I do.

MR. GLANZER: Your Honor, may the record reflect the witness has identified the Defendant Liddy?

THE COURT: The record will show that.

BY MR. GLANZER:

Q And how did you come to know him?

A Mr. Liddy was hired as general counsel for the Committee, for the Re-election of the President, I believe, in December and being a more or less officer of that Committee and being an officer I knew him on a working basis.

Q And did you have occasion to attend a meeting with Mr. Liddy and Mr. Magruder toward or around the end of December '71?

A I did.

Q Can you tell us what transpired at the meeting that you recall?

A As I recall it, Mr. Magruder indicated Mr. Liddy might be able to help us out in finding out some of the information about these groups that I just referred to.

Q Was there any discussion about money or financing for this?

A There was a general discussion on what something like

that might cost and I figured right off top of my head, figured it might cost as much as a hundred thousand dollars from that period of time until the actual election. I based that on perhaps the use of about ten college-age people who might be able to assimilate themselves into such organizations as the yippies and the SDS and other such radical groups and perhaps paying them \$500 a month for ten months and another \$500 expenses which would be about \$10,000 a month and for ten months would be around a hundred thousand dollars, so that figure was discussed, yes.

Q Was some arrangement agreed upon or devised for disbursement of this money?

A Yes, there was. Mr. Magruder said that Mr. Liddy from time to time would be requesting funds from me and that I would in turn get the funds from Mr. Sloan who was Treasurer of the Committee -- of the Finance Committee to Re-elect the President, and I would give those funds to Mr. Liddy.

Q So in effect the money would be disbursed through you to Mr. Liddy?

A Yes, sir.

Q And were you the person who called Mr. Sloan to generate the disbursements of the funds?

A Yes, sir. Mr. Liddy would call me and tell me how much he needed, usually in the denominations of one, two, three thousand dollars. I would call Mr. Sloan and ask him for that amount and I would go down to his office and pick it up.

Mr. PORTER. All of it.

Mr. DORSEN. How have you now arrived at the figure you have just given us?

Mr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately \$69,000?

Mr. PORTER. Yes, sir; to the best of my knowledge.

Mr. DORSEN. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Mr. DORSEN. And briefly how did you become aware?

Mr. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. DORSEN. You are now recounting what Mr. Magruder told you.

Mr. PORTER. Yes, sir.

Mr. DORSEN. Please continue.

Mr. PORTER. He said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said, however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking

me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies, and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost \$100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them \$1,000 a month which they would take their expenses out of that, and that is \$100,000. That is not very much for a \$45 million campaign." And he said, "Now that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?

Mr. PORTER. Sir?

Mr. DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program?

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury?

Mr. PORTER. The same thing.

Mr. DORSEN. Were you a witness at the trial of the seven defendants who were indicted in the Watergate case?

Mr. PORTER. Yes, sir.

Mr. DORSEN. And did you give the same account?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Did Mr. Magruder ask you to make any other statements which you knew to be false?

Mr. PORTER. Yes, sir; he did.

Mr. DORSEN. What did he ask you?

Mr. PORTER. Shortly after that, he asked me to, if I would increase the amount of money that I was going to say that I gave to Mr. Liddy, and I said, no, I would not do that. He said, why not?

I said because I just absolutely—I did not give him that amount of money and I will not say I gave him that amount of money.

I said the conversation that you are asking me to relate, I can conceive of it happening because I would have told you that in December if you had asked me. And that is a strange answer, but that is the answer I gave him. And I would not increase the amount of money. He wanted me to say that I gave Mr. Liddy \$75,000, when in fact, I had given him some \$30,000 to \$35,000—\$32,000.

Mr. DORSEN. Did Mr. Magruder tell you why he wanted the high figure?

Mr. PORTER. No, sir; he did not.

Mr. DORSEN. When was the first time you told any investigatory body that you had not testified truthfully at the grand jury and at the trial?

Mr. PORTER. April 18, I believe.

Mr. DORSEN. 1973?

Mr. PORTER. 1973, yes, sir.

Mr. DORSEN. Mr. Chairman, I have no further questions at this time.

Senator ERVIN. We have a vote on in the Senate, so it will be necessary for us to take a recess so the members of the committee can go and vote.

[Recess.]

Senator ERVIN. The committee will come to order.

Mr. Thompson.

Mr. THOMPSON. Mr. Porter, as I understand it, your statement here this morning is to the effect that you agreed with Mr. Magruder that you would tell the grand jury a false story, is that correct?

Mr. PORTER. What I agreed to specifically, Mr. Thompson, was that I would agree initially to corroborate a story that Mr. Magruder was going to tell to the FBI, which I felt was, in effect, replacing one lawful authorization for another lawful authorization.

Mr. THOMPSON. Well, was it or was it not a false story?

Mr. PORTER. Yes, that is absolutely correct; it was a false statement.

Mr. THOMPSON. Well, you gave this false statement to the grand jury?

Mr. PORTER. Yes, sir.

Mr. THOMPSON. And you gave it at the trial in January?

Mr. PORTER. Yes, sir.

Mr. THOMPSON. When did you go to the proper authorities and tell them the truth about these matters?

Mr. PORTER. The appointment was on April 18 at the U.S. attorney's office, although the contact had been made earlier than that, or the contact to set up an appointment, I mean.

Mr. THOMPSON. When was the contact made?

FILED

AUG 16 1973

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES F. DAVEY, Clerk

[UNITED STATES OF AMERICA)

Criminal No. 715-73

v.)

) Violation of 18 U.S.C. § 371

[JEB STUART MAGRUDER)

) (Conspiracy to unlawfully intercept wire and oral communications, to obstruct justice, and to defraud the United States of America)

[INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly

9. On or about August 10, 1972, Herbert Lloyd Porter testified falsely before a Federal Grand Jury sitting in the District of Columbia.

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N. W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

14. On or about January 23, 1973, in the District Court for the District of Columbia, JEB STUART MAGRUDER gave false, deceptive and misleading material testimony during the trial of Criminal Case No. 1827-72, entitled United States v. Gordon Liddy, et al.

15. On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony

during the trial of Criminal Case No. 1927-72, entitled
United States v. Gordon Liddy, et al.

(In violation of Title 18 United States Code § 371.)

Archibald Cox
ARCHIBALD COX
Special Prosecutor
Watergate Special Prosecution
Force

A As general counsel he was responsible to be sure not only with the problems we anticipated having in our primary stage but even more so of course in the general election with the surrogate candidates. We had 35 surrogate candidates. These were cabinet officers, Senators, and governors who in effect were stand-ins for the President since the President we knew at that time did not plan to campaign as actively as he had in 1968 and by this time we had indications that there would be potential problems in many of the places that these individuals would go, particularly relating to our rallies.

We had scheduled by that time approximately 12 rallies in the primary states and we knew there were early plans by individuals and groups to possibly disrupt these rallies and also possibly cause bodily harm to the surrogates, so we were interested in effect finding out how serious these problems would be and then, of course, protecting these surrogates.

The surrogates did not have any protection in the sense of their own as the President does with the Secret Service, so we felt we had to establish our own lines of communication and in late December after Mr. Porter and I discussed the problem we talked to Mr. Liddy and asked him would he be willing to take on the assignment setting up basically an intelligence gathering -- if there were problems and as it turned out there were considerable problems we had -- fire bombings in a number of our headquarters and disruptions of that type throughout the

Democratic Convention in 1968, we were very concerned about the safety and the ability of us to put on a convention that would be successful because we knew that if it was the kind that occurred in Chicago, of course, it would be very difficult for the President to be re-elected.

Q Talking about Chicago --

A -- The Chicago Convention the Democrats had that was disrupted as you recall by the demonstrators in '68. The same groups at that convention were planning similar activities, so starting as far back as July or August of 1971 we began to become concerned.

So in January I asked Mr. Liddy if he would take on the assignment of being able to build up an intelligence-gathering operation in San Diego so that we could be aware of the problems that would occur at the time of the convention.

I think it is important to note our main concern was not pre-convention but post-convention, during the convention. What we were concerned about was the same problem to a much greater extent we thought we would have with the surrogates.

Here in a city there may be 250,000 demonstrators, could we function and have a convention? And, as you know, national television covers them and we didn't want the same scene on the television as in Chicago in '68.

So I asked Mr. Liddy to set up an intelligence-gathering operation that would give us the kind of operation at the time

of the convention that would allow us to preplan our movements and prevent many problems that occurred in '68.

Q What funding or financial arrangements did you agree upon with Mr. Liddy with respect to the two different assignments that you just described?

A On the first assignment, we agreed to a funding of approximately \$100,000 for the ten-month period starting in January and on the convention problem we agreed to \$150,000, so the total funding of \$250,000.

Q Who was to be the source of the funds of the money that would be given to Mr. Liddy?

A Well, the source was to be the Finance Committee to Re-elect the President.

Q Now, at any time did you give him in addition to those two major assignments you just described to the ladies and gentlemen of the jury and His Honor, did you give him any other investigative assignments?

A Yes, as I recall, I gave him a number of others.

Q Can you give an example?

A An example would be there was a candidate for the Democratic nomination who was known for his anti-pollution stand and there was also news reports about some of his supporters, financial supporters particularly, one in particular being a major polluter, and I asked Mr. Liddy as an example to investigate that situation to see if there was any more to it than we read

had a direct relationship to the President at all. In fact, the use of his name was very common in many cases where it was inappropriate; in other words, where he had not had any dealings in the matter. So I knew that this did not necessarily mean it came from the President or anyone else other than Mr. Dean or Mr. Mitchell.

Mr. DASH. But you did not know to the contrary.

Mr. MAGRUDER. No; I did not know to the contrary.

Mr. DASH. Did you know or have any knowledge of any plans to pay attorney's fees or salaries to defendants or support for the families of the defendants?

Mr. MAGRUDER. I was aware that they were being taken care of because, of course, one of the questions I had if I was going to—particularly before the second grand jury appearance where I had to decide to go up and tell this coverup story—that I wanted assurances that the other seven defendants, the seven defendants would hold and I was assured they were being taken care of. That was the extent of my knowledge.

Mr. DASH. Were you aware of any concern about any one of the defendants during this period of time?

Mr. MAGRUDER. Well, at varying times there was concern over particularly Mr. McCord. I think Mr. Hunt to some extent at various times and also I think Mr. Sturgis who I did not know. They were three who were brought up most frequently.

Mr. DASH. Were you aware of any plans to propose a CIA defense for the defendants?

Mr. MAGRUDER. Again, in these series of meetings that we had from the period, from the break-in to September, that defense was discussed in general terms at meetings I attended but I could not be specific about it.

Mr. DASH. Now, you testified at the first Watergate trial?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. And at that trial did you tell this same false story that you testified before the grand jury and told the FBI?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. By the time of the trial in January all seemed. Mr. Magruder, to have worked well according to the plan that you had worked out with Mr. Mitchell, Mr. Dean, Mr. LaRue and Mr. Mardian. At what time, to your recollection, if it did occur did the plan begin to crumble?

Mr. MAGRUDER. Well, I think that as soon as we realized that the grand jury was going to reconvene, much more so than Mr. McCord's statement because I knew Mr. McCord's statements would be hearsay, but as soon as I knew the grand jury was going to reconvene I knew that things would be difficult to hold. I knew I could not go through the same process, now that the election was now over and the reason for the coverup from my standpoint was now no longer valid. But also I knew that Mr. Reisner, the one—from my standpoint, the only mistake the prosecutors made was in going through the organization they missed Mr. Reisner, and if they had caught Mr. Reisner earlier. I think this story would not have been made but I knew they would get to Mr. Reisner now because it had been obvious he had been my assistant at that time and so as soon as I knew that and as soon as I knew Mr.

this case, or one of his assistants. Only when he called me did I respond. I cannot even recall any time that I initiated a call to Mr. Haldeman.

Senator WEICKER. All right.

Mr. MAGRUDER. Except in the January meeting, when I requested an interview with him to go over the job question.

Senator WEICKER. Now we move to January 1973 and the meeting with Mr. Haldeman. The main purpose of this meeting, as I gather it, was to talk about jobs for Mr. Porter and yourself; is that correct?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. Now, you have heard Mr. Sloan's testimony in which he said in response to a question that I asked him that if it did produce discussion on his part, the statement of policy on the case was that no individual who had become a Watergate figure or prominent Government official would be placed in office until the issue was totally resolved.

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. Can you give me any indication as to why this general policy was excepted in your case?

Mr. MAGRUDER. I did not know that was the general policy, Senator.

Senator WEICKER. Well, what was nature of the conversation between you and Mr. Haldeman on jobs?

Mr. MAGRUDER. Well, the nature of the discussion was basically, they had considered sending me up to the Senate for confirmation for one or two jobs that required Senate confirmation. During that discussion, he and I agreed that at this time—at that time—it would be inappropriate to go through that process. We both agreed to that. And so as an interim measure, we agreed to a position that turned out to be Director of Policy Development at the Commerce Department, which happened to be a level 4 job that did not require Senate confirmation. And we did not discuss, I think, that job at that time. We discussed the prospects of that kind of a job as an interim measure until the Watergate situation had been completely settled.

Senator WEICKER. Then after the conversation about jobs was over with, did you indicate to him your concern about the Watergate matter?

Mr. MAGRUDER. It was the other way around, Senator. I initiated the discussion on the subject of the Watergate because of what I considered to be beginning memory of difficulties on the part of some of the participants that I thought could have related to my own particular situation.

Senator WEICKER. And you related it to him at that time in January?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. The situation as to the Watergate, as to what was going on, relative to your participation and the story being contrived?

Mr. MAGRUDER. Yes, and it was particularly at that time also in relation to Mr. Porter because he was having difficulty with the personnel department at the White House and I wanted to be sure Mr. Haldeman understood how cooperative Mr. Porter had been.

Senator WEICKER. Was this before or—was this conversation with Mr. Haldeman before or after the trial?

Mr. MAGRUDER. It was before the trial, before the inauguration, sometime early in January, after the first of the year.

Senator WEICKER. So that Mr. Haldeman knew before the trial that perjury was being committed?

Mr. MAGRUDER. Yes, that would be correct. He knew that my statements—well, after the trial he knew that perjury was committed, I think, Senator, might be more appropriate. In other words, I had not made those statements until the trial and then at the trial he would have if he read the trial statements known that perjury had been committed. That may have been a fine difference but that—

Senator WEICKER. Let us be very specific. The trial was not over, is that correct?

Mr. MAGRUDER. As I recall, the trial had just begun. I had not testified.

Senator WEICKER. That is correct. And your meeting with Mr. Haldeman was before the trial was over?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. And the story you told him, you told him before the trial was over?

Mr. MAGRUDER. That is correct.

Senator WEICKER. So Mr. Haldeman knew that perjury was going to be committed?

Mr. MAGRUDER. Was going to be committed and, of course, did not know that it had been committed until after the trial.

Senator WEICKER. But he did know that perjury was going to be committed?

Mr. MAGRUDER. Yes; I think that would be correct.

Senator WEICKER. Now, on the March 29 meeting—let me ask you one other thing; on the meeting in January do you feel that that meeting was taped, the January meeting?

Mr. MAGRUDER. I am not sure. I do not think that meeting was taped. I think all subsequent meetings that I had with either Mr. Haldeman, Mr. Ehrlichman, and I gather meetings I had with Mr. Dean from that time on were taped but I do not have the taped transcripts so I do not specifically know which meetings were or were not taped.

Senator WEICKER. The March 29 meeting—

Mr. MAGRUDER. I know that was taped.

Senator WEICKER. Do you know who is in possession of those tapes?

Mr. MAGRUDER. I do not know personally. I think the prosecutors or Mr. Haldeman's lawyer, I am just not sure. I do know—possibly, Senator, this committee has those tapes, I do not know.

Senator WEICKER. Beg pardon?

Mr. MAGRUDER. Possibly this committee has those tapes, Senator, I do know tapes have been produced and discussed in depositions.

Senator WEICKER. Mr. Chairman, I wonder if I might inquire of counsel, majority and minority counsel, as to whether or not the committee is in possession of those tapes.

Mr. DASH. We are just checking.

We have two tapes under subpoena that Mr. Haldeman has given us and one of them does relate, not to Mr. Haldeman and Mr. Magruder, but to a telephone call with somebody other than Mr. Haldeman.

Mr. MAGRUDER. Telephone call with Mr. Higby?

Mr. DASH. Yes.

He said, however, that all of the people he had talked with in California had urged him to go back into Government for a while; that he had strong family reasons for wanting to stay in Washington because his children were well established in the schools here; and that he had lost some of his interest in running for office in California and was more interested in the idea of staying in Washington. Since the Presidential appointment or White House post was out of the question, I suggested that he look into other Government possibilities and that he work with Jerry Jones and the White House personnel office in that regard.

I met with Magruder again on March 2 (I believe again at his request), at my office, with John Dean also present, for about an hour. At this meeting we reviewed the same general subjects we had discussed on February 14, and I gave him a list of jobs in the Government that had been developed by the personnel office. He expressed interest in one of the jobs on the list, a post at the Department of Commerce, and he subsequently did take that post.

I do not recall any discussion of any of the particulars of the Watergate matter or the so-called coverup—other than what I have already indicated regarding his feeling that the matter was now behind him.

I feel certain that there was no such discussion because had he told me the kinds of things that he has indicated to this committee that he told me regarding perjury, et cetera, I would have remembered them clearly and I would have done something about them.

Mr. Magruder has stated that he met with me in early January of 1973, before the inaugural, although he was unable to specify a date.

Mr. Dean, on the other hand, has indicated in his testimony that I met with Mr. Magruder in late January.

I do have a vague feeling that I talked with Magruder or at least knew about his plans prior to his trip to California, which I believe was in early February. I cannot recall any specific conversation or meeting. My feeling may arise from the fact that apparently John Dean talked with me in late January about Magruder's plans for going into politics in California and his plans to make a trip out there. Mr. Higby has told me that Mr. Magruder did request a meeting in January, but that I was unable to schedule one. I did later agree to such a meeting but when he called Magruder to set it up, Magruder had already left for California. It is possible that Magruder told Higby of his California plans and Higby relayed them to me.

Magruder's recollection of the substance of the alleged January conversation is in many respects very much along the lines of my recollection of our conversation on February 14, and I have the feeling that we are dealing here with a simple error in recollection of specific dates, which is certainly understandable.

At no meeting with Magruder did he raise with me a monolog as he has described, laying out the true facts or claiming that he had committed or was going to commit perjury or that there had been any other illegal coverup activities undertaken in connection with the Watergate investigation.

I should also explain, Mr. Dash, that my outline of the Magruder meetings of February 14 and March 2 is somewhat different than the

40. In about January or February 1973 LaRue made payments of \$25,000 and \$35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.

Page

40.1 Fred LaRue testimony, 6 SSC 2296-97..... 518

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know how much that sum was?

Mr. LaRUE. Approximately \$50,000.

Mr. DASH. And did you know that this was part of the \$350,000 at the White House?

Mr. LaRUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of \$280,000?

Mr. LaRUE. Yes, sir.

Mr. DASH. What prompted, to your knowledge, such a large transfer of money?

Mr. LaRUE. I cannot state specifically, Mr. Dash. I had had a conversation with Mr. Dean regarding the need, at this time, I think, for \$20,000 for one of the attorneys, Mr. Maroulis. I had passed this information on to Mr. Dean. Later, he called me back and told me that they were going to deliver the remaining balance they had over at the White House, which was approximately \$280,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?

Mr. LaRUE. That certainly would be my assumption; yes, sir.

Mr. DASH. And is it true that in January 1973, you did pay Mr. Maroulis, counsel for Mr. Liddy, \$20,000?

Mr. LaRUE. That is correct.

Mr. DASH. Now, did you receive \$14,000 from a Mr. Tim Babcock in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. What was that all about?

Mr. LaRUE. I received this money from Mr. Babcock at—I think in Mr. Stans' office. Mr. Stans was present. My understanding, Mr. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Mr. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LaRUE. No, sir.

Mr. DASH. Now, did you make two cash payments, one of \$25,000 and one of \$35,000, to Mr. Bittman, counsel to Mr. Hunt, in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. And did that occur in the same way you have already described?

Mr. LaRUE. No, sir; those payments were delivered to Mr. Bittman at his home.

Mr. DASH. At his home?

Mr. LaRUE. Yes, sir.

Mr. DASH. Who delivered them?

Mr. LaRUE. This was another messenger that delivered them.

Mr. DASH. Another messenger?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you arrange that the same way, by phone call?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you again identify yourself as Mr. Baker?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did Mr. Bittman always know you as Mr. Baker?

Mr. LaRUE. Yes, sir. As far as I know, he never knew who I was.

Mr. DASH. And this was in cash, this \$25,000 and \$35,000—it was all in cash?

Mr. LaRUE. Yes, sir.

Mr. DASH. And this came from the \$250,000 or \$350,000—the amount of money that was at the White House?

Mr. LaRUE. Yes, sir.

Mr. DASH. Did you attend a meeting in Washington with Mr. Mitchell, Mr. Dean, Mr. Kalmbach on January 19, 1973?

Mr. LaRUE. Mr. Dash, I have no recollection of attending that meeting.

Mr. DASH. Did you hear the testimony of Mr. Kalmbach?

Mr. LaRUE. Yes, sir.

Mr. DASH. And also the testimony of Mr. Dean?

Mr. LaRUE. Yes, sir.

Mr. DASH. And do you recall any of their testimony that a meeting did occur, and both testified to your presence there, and Mr. Mitchell, at which an effort was made to get Mr. Kalmbach to raise funds again?

Mr. LaRUE. Mr. Dash, I repeat, I have no recollection of that meeting and it would serve no purpose to—

Mr. DASH. Do you recall any discussion at any time with anybody asking Mr. Kalmbach to come back to the business of raising funds?

Mr. LaRUE. No, sir, I do not.

Mr. DASH. Now, did you take any expenses for the work that you were doing, during this period of time, any amount of money?

Mr. LaRUE. Yes, sir, there was approximately \$12,000 in expenses taken out of this money during the period of, I would say August through March.

Mr. DASH. Now, when was your last payment to Mr. Bittman, counsel for Mr. Hunt? Do you recall?

Mr. LaRUE. Yes, sir, it would be in March.

Mr. DASH. March of 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. Can you tell us how much was involved in that payment?

Mr. LaRUE. As I recall, \$75,000.

Mr. DASH. \$75,000?

Mr. LaRUE. Yes, sir.

Mr. DASH. I take it that was the largest sum of money that you ever transferred to any of the lawyers?

Mr. LaRUE. The largest sum I transferred, yes, sir.

Mr. DASH. What led up to that unusual payment?

Mr. LaRUE. I got a phone call from Mr. Dean. Mr. Dean stated that he had—I think he had had a conversation with Mr. O'Brien, in which Mr. O'Brien had told him that there was a need for \$75,000 asserted that by Mr. Bittman for attorneys' fees. I asked Mr. Dean if I should indeed make a delivery of this money. He said that he was out of the money business, that he was no longer going to be involved in it and that he would not, you know, I would have to use my own judgment as to whether to make the payment or not.

41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass. . . ." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the break-in, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

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41.1 119 Congressional Record S2317, S2335-37
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February 7, 1973

CONGRESSIONAL RECORD — SENATE

S 2317

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. PELL. Would the Chair inform me, what is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

S. Res. 60, to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

Mr. PELL. Mr. President, is there a time agreement in connection with this matter?

The PRESIDING OFFICER. There is no time agreement.

Mr. PELL. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAKER. Mr. President, I ask unanimous consent that, during the pendency of any amendment I may offer to this resolution, Mr. J. P. Jordan of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll,

and the following Senators answered to their names:

[No. 12 Leg.]

Allen	Ervin	Nelson
Baker	Griffin	Pastore
Bentsen	Hathaway	Sparkman
Byrd, Robert C.	Helms	Symington
Cranston	Hruska	Talmadge
Domenici	Jackson	Tower
Eagleton	Mansfield	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Eastland	McIntyre
Aiken	Fannin	Metcalfe
Bartlett	Fulbright	Moss
Beall	Gurney	Muskie
Bellmon	Hansen	Nunn
Bennett	Hart	Pell
Bible	Hartke	Percy
Biden	Haskell	Proxmire
Brook	Hatfield	Randolph
Buckley	Hollings	Roth
Burdick	Huddleston	Schweiker
Byrd,	Hughes	Scott, Pa.
Harry F. Jr.	Humphrey	Scott, Va.
Cannon	Inouye	Stevens
Case	Javits	Stevenson
Chiles	Kennedy	Taft
Clark	Long	Tunney
Cook	McClellan	Weicker
Cotton	McClure	Williams
Curtis	McGee	Young
Dole	McGovern	

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDAL), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RUBIOFF), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHEIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 7, 1973, he presented to the President of the United

States the enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The Senate continued with the consideration of the resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. BAKER. Mr. President, I have an amendment at the desk, which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read the amendment, as follows:

On page 2, line 11, strike "five" and insert in lieu thereof "six".

On page 2, line 14, strike "two" and insert in lieu thereof "three".

Mr. BAKER. Mr. President, this amendment to the resolution now pending before the Senate simply provides that the select committee constituted by the resolution would consist equally of three Republicans and three Democrats.

On yesterday, in colloquy with the distinguished senior Senator from North Carolina, I indicated that I felt that a select committee was the preferable way to constitute a board of inquiry of the Senate; that I thought it was superior to one of the standing committees doing this inquiry. I thought it offered a greater opportunity to illuminate all the facts attendant on the circumstances of the recent presidential campaign and other political activities.

I indicated, as well, that the precedent for having an equal division in select committees and special committees of the Senate in this respect was well established, and that I believed we would enhance and reinforce the position of absolute objectivity and freedom from personal consideration if we were to back that precedent in this instance.

I also indicated yesterday that I have no doubt whatever about the objective manner, the calm, cool, and judicial manner, in which the distinguished senior Senator from North Carolina will conduct this inquiry as chairman of the select committee if he is chosen as chairman of the select committee. This amendment in no way impugns his standing in that respect, nor does it suggest that I have any fear that the majority members of the committee, nor the staff, for that matter, will engage in a partisan witch hunt.

On the other hand, Mr. President, we must face the fact that, inevitably, this inquiry will be fraught with political implications. That has been the case pre-

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jectivity and greater purpose than at present. He has presented his analysis with a great deal of force and supported his arguments with his accustomed vigor. However, I regret that he has rejected, one after another, suggestions made to improve upon his original proposal and to perfect its mechanism.

If the investigation which the Senator desires does not have the utmost appearance of impartiality and objectivity, then it will not gain the trust of the American people. It goes without saying that partisanship is at the very heart of the original problem. One of our major political parties stands accused of interfering with the privacy of our other major political party. Seven minor figures have been indicted and found guilty by our courts; two are seeking to appeal. The end of the case is not yet in sight. It is not surprising that feelings are running high.

It is all the more important, therefore, that the investigation be conducted in an atmosphere that inspires confidence and betrays no suspicion that less than the truth, and the whole truth, has been found. I am disappointed that my colleague has rejected the suggestion that both major political parties be equally represented in this investigation. Such a rejection will only fuel the fires of those who are charging that this investigation is only a year-long fishing expedition, designed to be as far-ranging as possible, gathering everything and everybody in the net. My distinguished colleague—and he knows of my great personal admiration and respect for him—has often been on the floor of the Senate defending the civil rights of persons whose rightful privacy has been intruded upon. I know that he will be among the first to come to the floor if such a sweeping investigation as this, cruelly brought the names of the innocent in association with the names of the guilty.

I am further dismayed that the cost of this investigation, under these circumstances, will be \$500,000. If the subject were one which were cloaked with mystery, if new evidence tended to indicate that much more would be unearthed, if there were any hope at all that a definitive resolution would be achieved, then a half million dollars might be a price worth paying. Yet there is no evidence worth considering.

The Watergate situation has received the closest and most penetrating scrutiny of any story in modern journalism.

A grand jury has made a thorough investigation and returned indictments.

A trial was held in the U.S. district court in which five defendants pleaded guilty and two others were convicted after an extensive trial. The trial judge himself went beyond the bounds of an adversary proceeding and interrogated the defendants himself before he satisfied himself that there were no others involved in the crimes.

The FBI and the Justice Department made a thorough investigation of their own.

Our distinguished colleague from the House of Representatives, the Honorable WRIGHT PATMAN, made a staff investigation through his House Banking and Currency Committee.

The distinguished senior Senator from Massachusetts had the staff of his Judiciary Subcommittee make on-the-spot investigations in this matter, and has apparently not pursued it further.

The junior Senator from North Carolina therefore finds it difficult to justify spending \$500,000 on yet another investigation with broad powers given to a select committee to rehash old charges for another year.

If there are matters that need to be pursued further, then they ought to be looked into by the full Judiciary Committee. I know that the Judiciary Committee has a full calendar of proposals; but if there are overwhelming problems yet to be resolved in the Watergate affair, then I know that the public would have far more confidence in a normal standing committee balanced by the regular political process.

Moreover, this body has also established a Permanent Investigating Subcommittee of the Government Operations Committee which could perhaps easily handle many of these matters. Encouragement could also be given to the Judiciary Committee's Administrative Practice and Procedure Subcommittee to look further into those matters in its jurisdiction.

Mr. President, I dislike seeing a half-million dollars of the taxpayers' money spent on another investigating mechanism, adding to the Senate's own bureaucracy, when the job could, in my judgment, be done by existing personnel and facilities already available to this body.

The PRESIDING OFFICER. The resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

MR. ERVIN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

MR. ROBERT C. BYRD. I announce that the Senator from Indiana (MR. BAYH), the Senators from Nevada (MR. BIBLE and MR. CANNON), the Senator from Idaho (MR. CHURCH), the Senator from Mississippi (MR. EASTLAND), the Senator from Washington (MR. MAGNUSON), the Senator from Minnesota (MR. MONDALE), the Senator from New Mexico (MR. MONTOYA), the Senator from Connecticut (MR. RIBICOFF), the Senator from Alabama (MR. SPARKMAN) are necessarily absent.

I further announce that the Senator from Louisiana (MR. JOHNSTON) is absent on official business.

I also announce that the Senator from Mississippi (MR. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (MR. BAYH), the Senator from Nevada (MR. CANNON), the Senator from Washington (MR. MAGNUSON), and the Senator from Connecticut (MR. RIBICOFF), would each vote "yea."

MR. GRIFFIN. I announce that the Senator from Massachusetts (MR. BROOKE), the Senator from Colorado

(MR. DOMINICK), the Senator from Hawaii (MR. FONG), the Senator from Arizona (MR. GOLDWATER), the Senator from Oregon (MR. PACKWOOD), the Senator from Kansas (MR. PEARSON), and the Senator from South Carolina (MR. THURMOND) are necessarily absent.

The Senator from Maryland (MR. MATHIAS), the Senator from Ohio (MR. SAXE), and the Senator from Vermont (MR. STAFFORD) are absent on official business.

The Senator from Alaska (MR. STEVENS) is detained on official business.

If present and voting, the Senator from Massachusetts (MR. BROOKE), the Senator from Arizona (MR. GOLDWATER), the Senator from Alaska (MR. STEVENS) and the Senator from South Carolina (MR. THURMOND) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 16 Leg.]

YEAS—77

Abourezek	Ervin	McGee
Alken	Fannin	McGovern
Allen	Fulbright	McIntyre
Baker	Gravel	Metcalf
Bartlett	Griffin	Moss
Beall	Gurney	Muskie
Belmont	Hansen	Nelson
Bennett	Hart	Nunn
Bentsen	Hartke	Pastore
Biden	Haskell	Pell
Brook	Hatfield	Percy
Buckley	Hathaway	Proxmire
Burdick	Helms	Randolph
Byrd	Hollings	Roth
Harry F. Jr.	Hruska	Schweiker
Byrd, Robert C.	Huddleston	Scott, Pa.
Case	Hughes	Scott, Va.
Chiles	Humphrey	Stevenson
Clark	Inouye	Symington
Cook	Jackson	Taft
Cotton	Javits	Talmadge
Cranston	Kennedy	Tower
Curtis	Long	Tunney
Dole	Mansfield	Weicker
Domenici	McClellan	Williams
Eagleton	McClure	Young

NAYS—0

NOT VOTING—23

Bayh	Goldwater	Ribicoff
Bible	Johnston	Saxe
Brooke	Magnuson	Sparkman
Cannon	Mathias	Stafford
Church	Mondale	Stennis
Domestic	Montoya	Stevens
Eastland	Packwood	Thurmond
Fong	Pearson	

So the resolution (S. Res. 60), as amended, was agreed to, as follows:

S. RES. 60

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of seven Members of the Senate, four of whom shall be appointed

by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of

the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass or activity conducted by or in behalf of any person seeking nomination or elections as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivision (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any Act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of

this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or parity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpoena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, documents, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony on oath anywhere with-

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in the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercises the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

Sec. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

Sec. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its

affairs, and on the expiration of such three calendar months shall cease to exist.

Sec. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed \$500,000, of which amount not to exceed \$25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee. The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

Mr. ERVIN. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1202, title 12, Public Law 91-452, the Speaker had appointed Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. HUTCHINSON, and Mr. SANDMAN as members of the National Commission on Individual Rights, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 123(a), Public Law 91-605, the Speaker had appointed Mr. WRIGHT, Mr. GRAY, Mr. DON H. CLAUSEN, and Mr. SNYDER as members of the Commission on Highway Beautification, on the part of the House.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 37) to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SKYJACKING

Mr. HARTKE. Mr. President, it is my plan to bring to the attention of this body a series of issues concerning the operation of the Federal Aviation Administration.

I have made a statement for the CONGRESSIONAL RECORD, listing some 27 charges organized under seven categories. These run through the whole gamut of FAA operations and policies.

At this time I ask unanimous consent that an article appearing in the Washington Star of February 4, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Mr. President, now, we are to consider the FAA antihijacking regulations, and I say they constitute: a serious invasion of civil rights, and an unconstitutional encroachment of the Executive upon the legislative functions of Government; and I believe evidence will show that the FAA regulations do not, cannot, and will not work.

Further, it can be shown that there are other remedies to skyjacking that stand a better chance of stopping this serious crime without violating the rights and interests of American citizens and their Constitution.

Even assuming there were no other remedy whatsoever, and there is, I maintain that the burden of proof to show violation for these questionable FAA procedures must rest upon the FAA and upon anyone who defends them, not upon those who oppose them. I repeat, that even if there were no other remedies than those of the FAA, they are still improper and the burden of proving their constitutionality and legality rests on those who affirm them so heatedly, not upon anyone who resists them.

The majority of these have not even been tested at law.

Mr. President, if I could prove that the FAA regulations cannot, do not, and will not work, I would mollify some of my critics, win some friends, but lose the main question.

And, Mr. President, if I could prove, here or in court, that I have been separately and singly harassed at airports, that other Senators, Congressmen, their staff members, members of the President's Cabinet, their staffs and families, have done exactly as I have done without harassment—if I could prove all that, Mr. President—I would have mollified some critics, won some friends, and lost the main question.

And, Mr. President, if I prove too quickly here that devices other than mass airport search, seizure, and arrest—for arrest is exactly what we are dealing with here, then I shall have mollified some critics, won some friends, but will have lost the main question.

Finally, Mr. President, even if I prove that the FAA has not attempted to establish any legal validity at all for those regulations—at least one airline is beginning to have some doubts—and if I establish that the FAA acted in an irresponsible and haphazard fashion, I will have mollified some critics, won some friends but will have lost the main question.

The important question in this issue is not harassment of me personally, not better alternative devices, not the ineffectuality of the FAA methods. The important question in this issue—in my judgment, perhaps the most important issue over the next two decades—is one not only at the very heart of my dispute with the FAA: it lies at the core-center of the newsman's immunity issue; and it is even before this Chamber in the impoundment issue.

The evidence seems clear. Mr. President, that the FAA has quite literally endangered the lives of all American air

42. On February 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall [President of Pepsi Cola Company] call DeLoach [former FBI Assistant Director now working for Mr. Kendall] in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

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42.1	Memorandum from H.R. Haldeman to John Dean, February 9, 1973, SSC Exhibit No. 34-33, 3 SSC 1240.....	528
42.2	H.R. Haldeman testimony, 8 SSC 3203-05.....	529
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EXHIBIT No. 34-33

THE WHITE HOUSE

WASHINGTON

February 9, 1973

MEMORANDUM FOR :

JOHN DEAN

FROM :

H. R. HALDEMAN *H.*

Eyes Only

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

Also, you should go ahead and have Kleindienst order the FBI project on the 1968 bugging so as to gather the data on that and get the fullest possible information.

Also, Mitchell should probably have Kendall call DeLoach in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him.

Mr. HALDEMAN. I will be glad to comment on the point there.

Senator WEICKER. Sure.

Mr. HALDEMAN. I don't have a question to answer, but at some point it was my understanding that a comment had been made, and I believe by you, Senator Weicker, to the effect that there was all this cash floating around in this campaign and Republican candidates certainly didn't get any of this cash, and in reacting to that statement, I asked Mr. Higby to determine whether or not the funds that Mr. Kalmbach had raised for support of candidates for the Senate and House in 1970, whether there had not been a substantial contribution to your campaign in Connecticut at that time, and in fact whether there had not been a substantial cash contribution to your campaign.

Senator WEICKER. All right. Then what happened?

Mr. HALDEMAN. I was told by Mr. Higby that he was—that it was confirmed to him by one individual that there had been a contribution by another that he was not able to give him the information as to whether there had been or whether it had in fact been in cash or not.

Senator WEICKER. Now, first of all, do you have the statement that I made as to the fact that Republican candidates in 1970 did not get any help from the administration? Do you have that?

Mr. HALDEMAN. No.

Senator WEICKER. Well, of course, there was no such statement by me. Any reference was made to the campaign of 1972, which I am going to get into in a short time anyway.

Was there an attempt—in other words, was information sought as to whether or not these contributions were reported or not?

Mr. HALDEMAN. I do not believe so. The question that I was interested in was whether there had been a cash contribution or not.

Senator WEICKER. In other words, you were not interested in any way embarrassing this member of the committee?

Mr. HALDEMAN. I was interested in finding out whether there was a cash distribution as a reaction to—

Senator WEICKER. Did you work with Mr. Higby on this?

Mr. HALDEMAN. I talked to Mr. Higby about it. I think Mr. Higby made the phone calls.

Senator WEICKER. And who did he talk to?

Mr. HALDEMAN. I am not sure.

Senator WEICKER. Mr. Dent?

Mr. HALDEMAN. I believe so, but I am not sure.

Senator WEICKER. Was Colson contacted on this matter?

Mr. HALDEMAN. I do not know.

Senator WEICKER. Let me just very briefly here now go over this set of papers which I think maybe we lost sight of even though all of them have been entered as exhibits, starting with the February 9, 1973, memorandum to John Dean from H. R. Haldeman, initialed by you.

Mr. HALDEMAN. Do I have that one?

Senator WEICKER. February 9, 1973. If you do not, I should certainly want you to have it.

Mr. HALDEMAN. I have February 10, Senator.

Senator WEICKER. I think you ought to have the February 9 one.

February 9, 1973, memorandum to John Dean from H. R. Haldeman. Would you see that Mr. Haldeman gets a copy of it, and also, Mr. Chairman, if it has not been already entered—has it been entered as an exhibit? Could counsel guide me on that one?

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Mr. DASH. February 9? Yes.

Senator WEICKER. February 9 memorandum.

Mr. DASH. Yes.

Senator WEICKER. It is part of the series, February 9 and two February 10 memorandums.*

Now, this memorandum for John Dean from H. R. Haldeman, "Eyes Only," initialed "H."

Obviously, the key on the Ervin Committee is the minority staff and more importantly, the Minority counsel. We've got to be sure we get a real tiger, not an old man or a soft head—

And I can attest to the fact that we did have a real tiger.

and although we let the Committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

I have not concentrated on that since. What does that mean: "and although we let the committee membership slip out of our grasp"? What happened there?

Mr. HALDEMAN. I do not know. [Laughter.]

Senator WEICKER [reading]:

Also, you should go ahead and have Kleindienst order the FBI project on the 1968 bugging so as to gather the data on that and get the fullest possible information.

Also, Mitchell should probably have Kendall call DeLoach—

Is that Deek DeLoach?

Mr. HALDEMAN. Yes.

Senator WEICKER [reading]:

Have Kendall call DeLoach in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him.

What does that—I really do not know what that means at all. What is being referred to there?

Mr. HALDEMAN. That is referring to the 1968 bugging of Mr. Nixon and Mr. Agnew and apparently, others in the campaign or in connection with that campaign which took place at a time that Mr. DeLoach was a—I am not sure of his title but a high official in the FBI and with which it was presumed Mr. DeLoach was familiar.

Senator WEICKER. Well, how do you presume, just out of curiosity, to indicate that if Mr. DeLoach is not forthcoming that Mr. Kendall should fire him? Mr. Kendall is not employed by the Government, is he in—is this the gentleman who is the head of Pepsico, is that right?

Mr. HALDEMAN. That is correct.

Senator WEICKER. And Mr. DeLoach, I gather, is an employee of Pepsico, is that right?

Mr. HALDEMAN. Yes, he is now.

Senator WEICKER. I see. Well—

Mr. HALDEMAN. He was—

Senator WEICKER. I do not understand how you issue a memorandum indicating that if this individual does not cooperate Mr. Kendall should have him fired. Did you have some hold or did Mr. Mitchell have some hold over Mr. Kendall?

Mr. HALDEMAN. Mr. Mitchell had a personal relationship with Mr. Kendall and I think Mr. Mitchell had been in touch with Mr. Kendall

*The documents referred to were previously entered as exhibit No. 34-33. See Book 3, p. 1240.

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or Mr. DeLoach or both regarding this matter and had not gotten the information that he was seeking and this was a question of applying additional pressure to attempt to get the information from Mr. DeLoach that they had not received.

Senator WEICKER. Oh, I see. In other words, we now have the White House reaching down in the person of you and I gather saying to citizens of this country that if they do not do what is asked of them, they will be fired. I do not see any other interpretation on that. Is that correct?

Mr. HALDEMAN. That is the suggestion that is there. [Laughter.] Obviously, there was no ability on our part to carry it out.

Senator WEICKER. You took a good swing at the pitch, I will say that.

Mr. HALDEMAN. Pardon me?

Senator WEICKER. You took a good swing at the pitch, I will say that. Then the memorandum of February 10, from the White House, Washington, February 10, 1973, memorandum for John Dean from Larry Higby. Do you have that memorandum?

Mr. HALDEMAN. From Dean to Higby, on the 10th, no.

Senator WEICKER. All right. I have to—would somebody please give—

Mr. HALDEMAN. Excuse me. We do have it, Senator.

Senator WEICKER. This one is confidential, February 10, memorandum for John Dean from Larry Higby. [Reading:]

As I am sure Bob's probably mentioned to you, we need to get a thorough itemization as quickly as possible of all the disruptions that occurred in the campaign. We'll need this for Watergate tactics with the Ervin Committee. That is, the Democratic planned activities at the Century Plaza together with pictures, indications of violence and Communist activity and all that sort of thing—the violence in San Francisco—the headquarters burning in Phoenix and other areas—the demonstrations at the Statue of Liberty, et cetera.

You know, I saw that memorandum and had sort of a very familiar ring to it when I saw the memorandum dated February 10, 1973. This pretty much, if I am not mistaken, is the wording of the testimony that you gave to this committee today, was it not?

Mr. HALDEMAN. It relates to several of the same incidents, yes. They are incidents—they were the incidents that come immediately to mind of those—of the kind of thing we were talking about.

Senator WEICKER. Certainly, I do not think either of us could consider these tactics to get the truth to the Ervin committee without violating the constitutional concepts of executive privilege or separation of powers.

Mr. HALDEMAN. This was not in relation to getting truth to the Ervin committee. This was in relation to getting the truth regarding activity by the opposition out to the American people.

Senator WEICKER. As far as I am concerned, everything I have heard so far in the way of these memorandums and what is going on behind the scene was to bomb the Ervin committee right out of the water rather than go ahead and get the truth to it.

Then, we do know the second memorandum of February 10, 1973, which you and I have discussed this morning. This is the one: "We need to get our people to put out the story on the foreign or Communist money that was used in support of the demonstrations against the

ship meeting that was then in session in the Cabinet room. Timmons reported that the Senate was going to begin debate on Senator Ervin's resolution that afternoon. Timmons was instructed to request Senator Hugh Scott to come to his office after the leadership meeting and I was instructed to go to Mr. Timmons' office to explain the amendments to the resolution to Senator Scott. I was also told that I should tell the Senator—Senator Scott—to raise the 1968 bugging incident as a reason to expand the scope of the resolution with reference to prior Presidential elections. I left to brief Senator Scott with the feeling that the meeting had accomplished nothing. I went to Timmons' office, had a brief meeting with Senator Scott, and, as I was returning to my office, I ran into Dick Moore who told me that he felt that the meeting had been useless. I agreed.

On February 7, Timmons informed me that the White House amendments had been virtually rejected out of hand and the resolution adopted 77-0. Timmons told me he had discussed with Haldeman the possibilities of suggesting names for the Republican side of the Select Committee with Senator Scott, and Scott seemed receptive. On February 8, the members of this committee were named and I recall Timmons telling me that Haldeman had "chewed him out," but Timmons told me Scott had never given him a chance to make any recommendation.

On February 9, I had planned to go to Florida for a week or 10 days. The President had departed for San Clemente, and it appeared that everyone could relax for a while. In midafternoon, however, my plans were changed when I received a call from Ehrlichman in San Clemente telling me that he wanted Mr. Moore and me to come to California that night so that he could discuss in full detail the problems of how to deal with the forthcoming Senate hearings. Ehrlichman indicated that he and Haldeman were going to have some available time over the weekend, so we should come immediately. I contacted Mr. Moore, who was about to take a train trip to southern Virginia with his young son and wife. Moore said that since he was packed he would merely fly west instead of training south. My wife and I and the Moores all flew to San Diego on the evening of February 9.

THE LA COSTA MEETINGS

Everyone was staying at the La Costa Resort Hotel, south of San Clemente. The meetings with Haldeman and Ehrlichman, Moore and myself ran for 2 days, and I would estimate they involved between 12 to 14 hours of discussion. The meetings began on Saturday morning, February 10, at San Clemente, but the discussion did not begin to take any focus until Saturday afternoon and Sunday, when we met in Haldeman's villa at La Costa. Based on notes I took during the meeting I will attempt to reconstruct what transpired. I should also point out that before I departed San Clemente to return to La Costa I was given several memorandums, which I have submitted to the committee, which directly relate to what occurred at La Costa.

[The documents were marked exhibit No. 34-33.*]

Mr. DEAN. I did not look at these memorandums until several days after the meeting and was rather surprised that Haldeman would state in writing specific instructions to me regarding his thoughts on per-

*See p. 1240.

petuating the Watergate tactics or the coverup by a counteroffensive against the forthcoming Senate hearings. What had happened by this point in time was that the coverup had become a way of life at the White House, and having made it to this point, those involved were becoming careless and more open about it. Also, the Senate was different than the courts, grand jury, FBI, and the like that had been dealt with earlier.

Before turning to the substance of the La Costa meetings, I would like to note that Mr. Moore and I had talked on many occasions about the Watergate affair and the damage it was doing. Mr. Moore is the only person—other than Mr. O'Brien on a few occasions—to whom I ever expressed my deep concern about the matter, particularly the coverup. While Moore did not know all the facts he knew a great deal and was becoming increasingly aware of the dimensions of the problems. I talked to Moore far differently than anyone else. I talked to him about how we could end this matter once and for all. I expressed my concern to him often about how to end the matter before it ruined the second term of the President. I was concerned that it was not going to simply go away, and I had learned that the press was becoming aware of other illegal activities at the White House. I never discussed these other matters with Moore, but I told him the coverup was bigger than the Watergate incident per se. The more that we talked about it the less we could find a solution—so the coverup proceeded.

As I have indicated, the purpose of what I call the La Costa meetings, was how to deal with this committee's investigation of the Watergate. The Watergate trial was over and that problem appeared to be over. The next major problem was the Senate hearings. It was realized that it was going to take an all-out effort by the White House to deal with the Senate inquiry, because of the scope of the resolution, the composition of the committee, the investigative powers of the committee, and the general feeling that the Senate was a hostile world for the White House. Haldeman and Ehrlichman were disappointed that the efforts to influence the Senate resolution creating the Select Committee had failed, as well as the White House efforts to recommend members to the Select Committee. Thus, the focus of the discussion was how to deal with the committee henceforth.

It was during the morning meeting in Ehrlichman's office at San Clemente that there was a discussion of the members of this committee. Ehrlichman said that the White House could not look for any help from the Democrats. I recall that when we were discussing the Democratic members of this committee, and I read from the Congressional Directory the data on Senator Inouye, Ehrlichman said that his name is pronounced "Ain't-no-way" and then said, indeed, there ain't-no-way he's going to give us anything but problems. [Laughter.]

The Republican members of this committee were also discussed in that morning meeting. It was Ehrlichman who was doing most of the assessing, but occasionally Haldeman would add a comment. Senator Weicker was an independent who could give the White House problems. Senator Gurney would help the White House and would not have to be told to do so. I recall that Ehrlichman said that Senator Gurney needs the White House because former Congressman Cramer may take him on in his next primary. Senator Gurney was considered a sure friend and protector of the President's interest. Senator Baker

43. On February 10 and 11, 1973 H.R. Haldeman, John Ehrlichman, John Dean and Special Counsel to the President Richard Moore met at San Clemente and at Haldeman's cottage at Rancho LaCosta, California to discuss strategy for the hearings of the Senate Select Committee on Campaign Activities. The meeting was called because the President wanted to know what planning was being done for the hearings and what strategy should be adopted with respect to the White House position on executive privilege and other similar matters. The meetings involved between 8 and 14 hours of discussion. It was agreed that CRP rather than the White House would take primary responsibility for the defense on Watergate-related matters and that John Mitchell should be asked to coordinate these activities. According to Ehrlichman there was discussion of possible dilatory tactics with respect to the hearings of the Senate Select Committee on Campaign Activities. One tactic considered was monetary assistance to the attorneys for the Watergate defendants in possibly seeking judicial delay of the hearings. It was agreed that Moore would go to New York to speak to Mitchell about the group's discussions and Mitchell's role in preparing for the hearings.

Page

43.1	John Dean testimony, 3 SSC 982-86; memorandum from H.R. Haldeman to John Dean, February 9, 1973, memorandum from Lawrence Higby to John Dean, February 10, 1973, and memorandum from H.R. Haldeman to John Dean, February 10, 1973, SSC Exhibit No. 34-33, 3 SSC 1240-42.....	536
43.2	John Dean testimony, 4 SSC 1462.....	544
43.3	John Ehrlichman testimony, 7 SSC 2739, 2849-51.....	545
43.4	H.R. Haldeman testimony, 7 SSC 2889-90.....	549
43.5	Richard Moore testimony, 5 SSC 1940-42.....	551
43.6	John Mitchell testimony, 5 SSC 1934-36.....	554

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was an unknown, and neither Haldeman nor Ehrlichman knew which way he might go. [Laughter.]

Senator ERVIN. The audience will please refrain from demonstrating in respect to the testimony.

Mr. DEAN. I might add that in a subsequent discussion I had with the President he also reached a similar conclusion regarding the Republicans. He thought that Senator Baker might help, but he was not sure. He was confident, however, that Senator Gurney would protect the White House and would do so out of political instinct and not have to be persuaded to do so.

The long and short of this morning discussion was that the White House had one friend—Senator Gurney—and the possibility of wooing and winning another.

Later, after the meeting had reconvened at La Costa, the discussion turned to a general approach about how to deal with the Select Committee. Ehrlichman suggested that it should be publicly analogized to the ITT hearings—that is, the hearings were a waste of time to the Senate, they were very partisan, and ultimately repudiated by the Senate when Kleindienst was confirmed. After a general discussion, Ehrlichman and Haldeman concluded that the theory for dealing with this committee should be as follows: The White House will take a public posture of full cooperation, but privately will attempt to restrain the investigation and make it as difficult as possible to get information and witnesses. A behind-the-scenes media effort would be made to make the Senate inquiry appear very partisan. The ultimate goal would be to discredit the hearings and reduce their impact by attempting to show that the Democrats have engaged in the same type of activities.

During the meeting on Saturday afternoon (February 11), Ehrlichman instructed me to call Wally Johnson and tell Johnson that he was to go visit with Senator Baker during the then congressional recess to find out how Senator Baker planned to operate—that is, was he going to be friend or foe—and to ask Senator Baker how the White House could aid him, particularly regarding the selection of the minority counsel. Prior to making the call, I asked Ehrlichman if I should arrange to give Johnson some kind of briefing before he went to see Senator Baker, so that he would know fact from fiction when talking with the Senator about the Watergate. Ehrlichman said that was not necessary. I called Mr. Johnson while the discussions proceeded and passed the message to him. He said he would proceed immediately.

At one point in the meeting, Ehrlichman raised the question of whether or not the Select Committee was going to be able to obtain the grand jury minutes and other investigative records from the FBI and the U.S. Attorney's Office. I said I did not know and then a discussion of possible legal options ensued. No one really knew what the law might be regarding this matter, but Ehrlichman stated that the Attorney General will have to be told that the Justice Department should resist turning over such records, and that I should get word back to the attorneys for the defendants that they should fight the release of these investigative records to the Senate on the grounds that it would have an adverse impact on their appeals.

When discussing how to handle the press coverage of the Senate hearings, Haldeman suggested that Pat Buchanan be used as a watchdog of the press. Mr. Buchanan could prepare speeches on the biased press coverage. He could write op-ed articles and actually attend the hearings and be a White House spokesman to take the pressure off Ziegler's daily briefings. It was decided by Haldeman and Ehrlichman that Mr. Baroody's White House attack group—a group of media-oriented White House aides who meet virtually every morning to determine how to counter adverse news or push White House programs—should not be involved.

There was also discussion during the La Costa meeting of the role the reelection committee would play during the Senate hearings. It was decided that the reelection committee should have a new titular head. Several names were suggested and rejected and the matter was left unresolved. However, it was decided that the reelection committee should beef up its legal and public relations staffs. Paul O'Brien and Ken Parkinson should be given any additional legal staff they wished, as they would be responsible for handling witnesses from the committee who would be called to the Hill to testify. Mr. Van Shumway, who had been handling press relations for the reelection committee, would be asked to remain on and provided with any additional staff he needed. Mr. Moore would have general oversight of Mr. Shumway's operation.

At one point, Haldeman suggested that the reelection committee hire private investigators to dig out information about the Democratic campaigns. I raised the wisdom of this because I thought it was more political surveillance. The matter was left unresolved.

There was lengthy discussion of the importance of the minority counsel. Mr. Moore related back to some episodes during the McCarthy hearings. Both Ehrlichman and Haldeman felt very strongly about having a man, as minority counsel, who would work with the White House. A number of suggestions were made and discussed. Ehrlichman thought that Mr. Fred Buzhardt would be an excellent choice. I was asked to come up with some names for consideration as soon as possible and report back.

It was toward the end of the meeting on Sunday afternoon, February 11, that Ehrlichman raised the bottom line question: would the seven Watergate defendants remain silent through the Senate hearings? I say this was a bottom line question because the entire strategy was based on this continued silence. I reported that I could not answer the question because I did not know. I said that I understood that they were still demanding more money, but as we had discussed previously, there was no more money available. I told both Haldeman and Ehrlichman that I had carried their messages to Mitchell, that this is something that they would have to take care of—I think the transcript is confused, this was something he should take care of, he, Mitchell, but that they were aware of Mitchell's feelings that this was something that the White House should be concerned about. I said as far as I was concerned, that they would have to take this up with Mitchell in that Mitchell felt it was a matter for the White House.

At this point, Ehrlichman told Mr. Moore—who was hearing all this for the first time—that he, Moore, should go to Mitchell and

simply lay it out that it was Mitchell's responsibility to raise the necessary funds for these men. It had been decided at the outset of the first day of the meetings that Moore would go to New York and report to Mitchell on what had been resolved regarding dealing with the Senate hearings, and now Ehrlichman was telling Moore that an important element of his visit with Mitchell would be for him to get Mitchell to raise the necessary future funds for the seven Watergate defendants.

The meeting concluded on this item and Moore and I departed together. I told him as we walked back to our rooms that I was very distressed that this had come up in his presence, but that he now had a very real idea of the dimensions of the situation. I told him I did not think that he should get involved in carrying such a message to Mitchell. Mr. Moore was concerned, but felt that he had an obligation to do what Ehrlichman and Haldeman expected of him, but he did not understand why they thought that he could change Mitchell's mind. Shortly after Moore and I departed, I went to Los Angeles to join my wife at her mother's home and we left for Florida the next morning, February 12, 1973.

FOLLOWING UP ON THE LA COSTA MEETINGS

While in Florida, I received calls from Higby, Moore, Johnson, and others following up on the matters that had been set in motion at the La Costa meeting.

On February 13, I received a call from Johnson, who informed me that he had talked with Senator Baker by telephone. He told me that he had informed Senator Baker that he would serve as the White House liaison to the Select Committee.

Johnson reported that Senator Baker had told him that a personal visit was not necessary, that they could talk when he returned to Washington from Tennessee. Johnson said that he had discussed the minority counsel position with Senator Baker, and the Senator said he did not want any official input from the White House and had already given some thought to the qualifications he was seeking in his minority counsel.

Johnson reported that the Senator had 50 names already under consideration and planned to make his selection in the next few days. Johnson told me that he didn't think Senator Baker had ruled out the White House's making some suggestions, but we would have to move quickly.

Mr. Johnson also reported that Senator Baker had told him that the White House should be concerned about the President's posture vis-a-vis the Senate inquiry.

Finally, he reported that Senator Baker had indicated that he and the chairman would be getting together after the recess and would discuss staffing and procedural matters at that time. I passed this report to Haldeman via Mr. Higby.

On February 14, Paul O'Brien came to visit me in Florida. He arrived in the evening and we went out to dinner. Nothing of substance was discussed that evening other than some hand wringing over the general situation. O'Brien came to Florida to get a report from me on what had occurred at the La Costa meeting. He told me that

1240

EXHIBIT NO. 34-33

THE WHITE HOUSE
WASHINGTON

February 9, 1973

MEMORANDUM FOR :

JOHN DEAN

FROM :

H.R. HALDEMAN H:

Eyes Only

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

Also, you should go ahead and have Kleindienst order the FBI project on the 1968 bugging so as to gather the data on that and get the fullest possible information.

Also, Mitchell should probably have Kendall call DeLoach in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him.

1241

THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL

February 10, 1973

MEMORANDUM FOR : JOHN DEAN

FROM : L. HIGBY *L*

As I'm sure Bob's probably mentioned to you, we need to get a thorough itemization as quickly as possible of all the disruptions that occurred in the campaign. We'll need this for our Watergate tactics with the Ervin Committee. That is, the Democratic planned activities at the Century Plaza together with pictures, indications of violence and Communist activity and all that sort of thing - the violence in San Francisco - the headquarters burning in Phoenix and other areas - the demonstrations at the Statue of Liberty, etc.

1242

February 10, 1973

MEMORANDUM FOR : JOHN DEAN
FROM : H.R. HALDEMAN

We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern and thus to the Democrats as part of the peace movement.

The investigation should be brought to include the peace movement which leads directly to McGovern and Teddy Kennedy. This is a good counteroffensive to be developed. In this connection we need to itemize all the disruptions such as the Century Plaza, San Francisco, Statue of Liberty, and so on.

You should definitely order Gray to go ahead on the FBI investigation against those who tapped Nixon and Agnew in 1968.

We need to develop the plan on to what extent the Democrats were responsible for the demonstrations that lead to violence or disruption.

There's also the question of whether we should let out the Fort Wayne story now - that we ran a clean campaign compared to theirs of libel and slander such as against Rebozo, etc.

We could let Evans and Novak put it out and then be asked about it to make the point that we knew and the President said it was not to be used any under circumstances. In any event, we have to play a very hard game on this whole thing and get our investigations going as a counter move.

A review of my files would indicate that 99 out of a 100 times when one of these would come down it would go right in the file and go no further.

Senator ERVIN. Now, returning to Mr. Buzhardt's assertion that the President was desirous, beginning in September, to have all of the facts revealed after the establishment of this committee, will you tell us again what meetings were had in the White House with respect to this committee, and who was present?

Mr. DEAN. With dealing with this committee?

Senator ERVIN. Yes.

Mr. DEAN. With respect to the President or the leading up to that as well?

Senator ERVIN. Well, I am particularly interested in the President, since Mr. Buzhardt says he was anxious that all facts be revealed.

Mr. DEAN. Well, it was when the President was in San Clemente, and I arrived on the—left on the 9th, was out there on the 10th and 11th for meetings, I recall that—of February of this year, I recall that Mr. Haldeman departed the meeting once or twice and he finally told the President what we were meeting on while we were out there.

We left there and went to, down to La Costa where the meetings proceeded and there we had the remainder of the 2 days of discussions about how to deal with this committee. During the course of the meetings at one point in time, as I had mentioned earlier, there was an assessment made by Mr. Ehrlichman, there had been disappointment that they had not been able to influence the selection of the committee, there had been disappointment that they had not been able to amend successfully your resolution to put a bipartisan—you know, have equal representation between Republicans and Democrats; that the floor amendments that had been offered had been defeated. They—some of these are evidenced in the memorandum from Mr. Haldeman that is in the exhibit I submitted.

Senator ERVIN. To make the testimony about that short, was that one of the times you said that the consensus was there should be an effort to show, to claim open cooperation with the committee but an effort to impede it from discovering the truth?

Mr. DEAN. I would call the chairman's attention to the exhibit regarding the meeting with the Attorney General where there was great concern that this committee might uncover additional criminal activity. There was also a very strained relationship at that point in time between the Attorney General and Mr. Haldeman and Mr. Ehrlichman. I was asked to prepare an agenda for the President to woo the President or have the President woo the Attorney General back into the family. The President was aware of the problem, and there is also spelled out somewhat in the agenda that was submitted to him, I believe, on February 22.

Senator ERVIN. Now, returning to the President's desire about the truth, you spoke of some meeting that the President attended in which, after a press conference, he wondered if the committee was going to swallow the bait he had put out in the press conference about a court decision?

Mr. DEAN. That was on St. Patrick's Day.

Senator ERVIN. That was—St. Patrick's Day is the 17th. I believe. Now, before that, the President had a press conference, did he not, on

me just a very natural thing that inferences would be raised at some time in the future. We had a long walk on the beach on that particular day and we talked about a lot of subjects and this was one of the subjects we talked about.

Mr. DASH. Had you had any discussion with Mr. Colson or Mr. Hunt at that time about it?

Mr. EHRLICHMAN. At that time?

Mr. DASH. Yes.

Mr. EHRLICHMAN. Not that I can recall.

Mr. DASH. It would seem unlikely that you would and it just is somewhat surprising that so early after the break-in you would even be talking about Executive clemency with the President.

Mr. EHRLICHMAN. Who did it surprise, Mr. Dash?

Mr. DASH. I said it does seem surprising.

Mr. EHRLICHMAN. To you?

Mr. DASH. To me, that you in July, shortly after the break-in, before any indictments, that you would be discussing Executive clemency, but that is your testimony, that you did.

Mr. EHRLICHMAN. All right, that is what happened.

Mr. DASH. And you never did after having any discussions with Mr. Dean later on in January?

Mr. EHRLICHMAN. I am sorry, I did not hear the question.

Mr. DASH. And you never again discussed that with the President after talking with Mr. Dean about Executive clemency?

Mr. EHRLICHMAN. Never again? No, I think there were discussions in March and April of this year about the allegations that Mr. Dean was making.

Mr. DASH. I am referring back earlier to the January period because, to put the point in time accurately, just before Mr. Hunt pleaded guilty is when Mr. Dean—

Mr. EHRLICHMAN. Mr. Dean's original story was, of course, that I jumped up from the meeting and ran downstairs and popped into the Oval Office which, of course, was nonsense. So then, he contrived this other story and neither one of them are true, Mr. Dash.

Mr. DASH. On February 10, 1973, you, Mr. Haldeman, Mr. Dean, and Dick Moore did meet in La Costa, did you not?

Mr. EHRLICHMAN. Yes, sir.

Mr. DASH. Could you tell us what the purpose of that meeting was?

Mr. EHRLICHMAN. Yes, that meeting was called because the President had asked who was handling the preparation of the White House case for the Senate Select Committee hearings, and what planning was being done, and what was the White House position going to be on matters like executive privilege, and there were no answers to those questions. We had just come from the inaugural, everybody had been very busily occupied up to that point, and frankly, there was not anybody handling that, and so one of us, and I forget who, called John Dean and asked him to come out, and sit down and talk through this whole subject of White House response, so to speak, to the upcoming hearings of the Senate Select Committee.

Mr. DASH. Well, did the discussion include just—not only the White House response in general on executive privilege issues, but did it also include what steps you might take in terms of affecting the resolution authorizing this committee? What steps you might take in obtaining

a minority counsel that would be helpful, and evaluation of members of the committee as has been testified by Mr. Dean before this committee?

Mr. EHRLICHMAN. Well, there were—it was a little bit like attorneys meeting before a trial to talk about the upcoming trial and what the selection of the jury would be like, and the kind of jurors that you would prefer to have in a case of this kind, and what opposing counsel was like and so on and so forth. It was sort of a general brainstorming session on the subject, and all those subjects that you mentioned came up, as did a whole raft of other subjects relating to these upcoming hearings.

Mr. DASH. Now, are you aware of then what assignments were given to anybody to follow up on this discussion?

Mr. EHRLICHMAN. Yes, Mr. Dean was given an assignment to attempt to prepare a general statement of Watergate in its broadest aspects, money, Segretti, planning and discussion of the break-in, the widest kind of a preliminary statement because it was decided that rather than to die by inches in terms of having questions asked and tiny bits of fact come out in answers through the process of the hearing, it would be much better if the entire story were laid out in a comprehensive statement in advance. So Mr. Dean was given that assignment.

After a number of hours of discussion, it was sort of the consensus of the meeting, that the best possible management entity would not be the White House or Government people but would be the Committee To Re-Elect, and so the thought was that the Committee To Re-Elect with John Mitchell stepping back into the management of it, would be an ideal focal point for all kinds of the various management problems associated with these hearings.

Dick Moore was going to go and talk with John Mitchell about this idea. I heard the testimony about Dick Moore going up to talk to him about money, that had to do, as I recall, with a specific aspect of this. Mr. Dean raised the point that these defendants in the break-in case—many of them either had cases that were pending sentencing, were on appeal, or in some kind of an interlocutory stage and that they might have the right to have their rights protected by seeking a judicial delay of the committee hearings. It was recognized in the course of passing that was going to obviously require the services of attorneys and the attorneys would have to be paid and so that was, as Dick Moore testified, a rather passing subject but nevertheless it was noticed as a money problem that could not be satisfied out of campaign funds and that he should also talk to John Mitchell that—

Mr. DASH. But why would you, Mr. Ehrlichman, and Mr. Halde-
man, and Mr. Dean, with your positions in the White House concern yourselves over the criminal defense lawyers case that might have some impact on delaying this committee. Was it a strategy issue?

Mr. EHRLICHMAN. It was in the nature of a strategy issue and it was a passing strategy issue. I wouldn't want it to get out of proportion and have you focus on it.

Mr. DASH. I am not trying to focus on it.

Mr. EHRLICHMAN. Being sort of a central strategy issue here, it was merely a glancing blow or passing reference to an aspect of this which Mr. Dean raised as a legitimate part of the strategy questions.

Mr. DASH. All right.

Taking it as a passing blow or something, and not certainly a central theme, it was considered as a strategy to keep this committee from going forward with its hearings.

Mr. EHRLICHMAN. This meeting covered dilatory tactics, it covered a wide variety of subjects, including dilatory tactics, but certainly not limited to them.

Mr. DASH. What did you have to be afraid of?

Mr. EHRLICHMAN. Sir?

Mr. DASH. What did you have to be afraid of the committee getting started?

Mr. EHRLICHMAN. I think it was conceived that the attack would be highly partisan, that it would be strongly antiadministration, and anti the President. Senator Ervin was then believed to be a very partisan man, and I think there was strong concern that this whole process of this Select Committee would have worked to the serious disadvantage of the administration. There was no—there was certainly no acceptance of the thought that the undertaking was totally benign.

Mr. DASH. This was on February 10, the La Costa meeting we are talking about.

Then, I take it, have you had an opportunity, and I don't want to take any time on it, to see the agenda items that Mr. Dean testified that later went in to the President concerning the discussion with Senator Baker and also minority counsel issues?

Mr. EHRLICHMAN. Yes, I did. I think that the suggestion that that somehow relates to the La Costa meeting is badly overdrawn and fancitized. I think Mr. Haldeman is your better witness on this, but from what I know of what took place at the La Costa meeting, the relationship between the two is much more tenuous than Mr. Dean attempted to draw out.

Mr. DASH. I agree with you Mr. Haldeman is, but in a followup of La Costa rather than La Costa.

Mr. EHRLICHMAN. No. Even there I think the proximate relationship is doubtful.

Mr. DASH. Let's go back briefly to perhaps your diary which is not as accurate as the White House log. On January 4, 1973, you indicated that you perhaps wouldn't take up in the presence of Dr. Kissinger the issue of Executive clemency.

Mr. EHRLICHMAN. No, I didn't say that. I just asked you if that was the meeting you were relating to.

Mr. DASH. On January 4, 1973, does your diary show that you met with the President from 3:02 p.m. to 4:44 p.m. and that you were with Mr. Haldeman in that meeting from 3:02 to 4:44 which is the full period, Mr. Collins from 3:04 to 3:05, and 4:18 to 4:49, and Mr. Kissinger—Dr. Kissinger 4:30 to 5:15.

Mr. EHRLICHMAN. Well, I don't have all those refinements in my diary but I show that Dr. Kissinger was in the meeting I was in for approximately 45 minutes of a total of about 1 hour and 40 minutes, something of that kind.

Mr. DASH. There was a time when you were with the President and Mr. Haldeman and yourself alone?

Mr. EHRLICHMAN. I assume so.

Senator GURNEY. Well, that could be understandable. How about Kalmbach; Kalmbach was your very good friend, was he not?

Mr. EHRLICHMAN. Yes; but he was also very knowledgeable in this case and he had been one of the people that I had interviewed to try to get information for the President on the money end of this thing, and so I considered him to be a witness, if you please, in the inquiry.

Senator GURNEY. Of course, Kalmbach's reaction, as I am sure you know, was total shock at this recording.

Mr. EHRLICHMAN. I understand, and I regret very much but I had an assignment from the President that I felt I had to carry out. As a matter of fact, I did some checking on Mr. Haldeman, who is also my very good friend. I did that because I felt I had to bring to the President whatever information was available in the higher interest.

Senator GURNEY. Are you saying now this is during the period of time that the President had reassigned the business of Watergate to you and from Mr. Dean; is that correct?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. Going back to that, that assignment of investigation of the Watergate to Dean, and now I am not talking about June-July, I am talking about February of this year; as a matter of fact, I think Dean talked to the President on February 27.

Mr. EHRLICHMAN. That is right.

Senator GURNEY. And in that conversation with the President, the President assigned the investigation of Watergate, at least that current phase of it, to Dean. As I recall, he said that he wanted Dean to report directly to him. He also said that it was taking up too much of your time and also Haldeman's time. Was that ever discussed with you or with Haldeman, the President's decision to have Dean now become the chief investigator of Watergate, February 27?

Mr. EHRLICHMAN. Yes, Senator, except chief investigator, I think, is slightly off the track. The preoccupation at that time, as far as the President was concerned, was not in an investigation of the facts as nearly as it was to get some one person in the White House who was going to look after a number of existing problems with relation to this whole subject matter and they were primarily the problems of executive privilege and separation of powers as he saw it then, not a question of who done it.

So rather soon after this meeting we had at La Costa which was, incidentally, the meeting was the result of the President saying, "Who is in charge and what plans are being made and how is the work coming?"

Senator GURNEY. And this came at about the time this committee was created; is that right?

Mr. EHRLICHMAN. That is right; yes, sir.

Senator GURNEY. Concern about what to do about the investigation of the committee, how to respond to it?

Mr. EHRLICHMAN. Yes, sir; that was certainly part of it.

Senator GURNEY. Go on.

Mr. EHRLICHMAN. Coming out of that session, as a result of our report back to him that the work was largely undone, that a tremendous amount of work was left to be done in terms of developing the administration's position on executive privilege and attorney-client

ings of the meetings in the President's Office or of the President's phone calls.

The President did not open the meeting of September 15 with the statement that, "Bob has kept me posted on your handling of the Watergate," or anything even remotely resembling that. He said, "Hi, this was quite a day, you've got Watergate on the way," or something to that effect. Dean responded that it had been quite a 3 months and reported to the President on how the press was handling the indictments and, apparently, a Clark MacGregor press conference.

The discussion then covered the matter of the new bug that had recently been discovered in the Democratic National Committee headquarters and the question of whether it had been planted by the DNC and the matter of Mr. Nixon's campaign being bugged in 1968 and some discussion of whether to try to get out evidence of that. There was some discussion about Judge Richey hearing the civil case and a comment that he would keep Roemer McPhee abreast of what was happening. I don't recall any comment about the judge trying to accommodate Dean's hopes of slowing down the suit, but there was some discussion about the problem of the civil case depositions interfering with the criminal prosecution—apparently as a result of a conversation between Judge Richey and Assistant U.S. Attorney Silbert.

Dean indicated that the indictments meant the end of the investigation by the grand jury and now there would be the GAO audit and some congressional inquiries, such as the Patman committee, but he assured the President that nothing would come out to surprise us. In other words, there was apparently no information that would be harmful that had not been uncovered already. The President did at that point commend Dean for his handling of the whole Watergate matter, which was a perfectly natural thing for him to do. Dean reported that he was keeping a close eye on possible campaign law violations by the opposition; said there were some problems of bitterness at the reelection committee between the finance committee and political groups; and said he was trying to keep notes on people who were emerging out of all this that were clearly not our friends.

There was, as Mr. Dean has indicated, quite a lengthy discussion of the Patman hearings and the various factors involved in that. There was some discussion of the reluctance of the IRS to follow up on complaints of possible violations against people who were supporting our opponents because there are so many Democrats in the IRS bureaucracy that they won't take any action.

There was a discussion of cleaning house after the election, moving quickly to replace people at all levels of the Government. The meeting closed, as I recall, with a fairly long philosophical discussion.

I totally disagree with the conclusion that the President was aware of any type of coverup and certainly Mr. Dean did not advise him of it at the September 15 meeting.

SENATE COMMITTEE

On February 7, 1973, the Watergate case moved into a new phase with the establishment of the Senate Select Committee. The announcement of the plans for the Senate probe was the reason for holding a weekend meeting, February 10 and 11, in southern California with Mr. Ehrlichman, Mr. Dean, Mr. Moore, and myself. These meetings have

been thoroughly reported and I would concur in Mr. Moore's description of them as sort of brainstorming sessions regarding the whole range of questions of strategy regarding the Senate hearings, a review of possible problems, and general discussion of how to deal with a number of new factors.

It was obvious that the Senate hearings would generate massive publicity. In calling and hearing a wide range of witnesses one at a time on national television there would be a lot of charges and hearsay with no opportunity to answer them, in the same news cycle at least, and there was of course the real concern that the committee hearings might evolve into a very partisan exercise.

There was a freewheeling discussion of these various possibilities and problems and of ways and means of trying to deal with them or counteract them.

I feel that Mr. Dean in his statement to the committee has, in a number of instances, substantially misinterpreted the intent or implications of things that might have been said at the meeting.

Also I believe he has overlooked one of the principal purposes of the meeting, which was a discussion at great length of how to develop some way to learn the entire Watergate story—including the other activities that were by then bunched together as Watergate—and get it out in its totality and accurately. This was considered as one of the best ways to counteract the potential of adverse publicity arising from a drawn-out public hearing. The feeling was that putting all of the facts out, in one place, at one time, would give the American people a more accurate picture of the truth than would the drawn-out process of hearing one witness at a time over an extended period.

Another objective, which was the President's objective, was to try to work out ways and means by which the facts of Watergate or any testimony that could be provided by anybody in the White House, who had any knowledge, which would be of interest to this committee could be provided in the most complete form but without getting into the problem of the separation of powers and executive privilege.

I don't recall any discussion of the question of raising money, but I am sure that if there were any, it was in the form that Mr. Moore described; that is, a very incidental item occupying only a few minutes in a series of meetings that lasted for many hours. It was not a principal point of discussion. There was no discussion of a coverup of Watergate during these meetings.

Dean put into evidence as exhibit No. 34-34* an agenda he says was requested by me for a meeting with the President as a followup to La Costa on February 19 or 20. He seems to feel that this is a very significant document that is self-explanatory as evidence of a continuing coverup. I completely fail to see it that way.

There were five items on the agenda. First, a meeting of Senator Baker with the President which, it was my understanding Senator Baker had requested, and which seems to me to be perfectly natural as one step to be taken in working out the various problems regarding White House staff appearances at the Senate committee hearings, et cetera. Second, the question of submitting Maurice Stans' name for confirmation to the Senate for a post requiring such confirmation. This was a step designed to deal with two questions, first to give Mr. Stans

*See Book 3, p. 1243.

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Second, even if he did express himself clearly, the man who heard may have put a different interpretation on the words than did the man who spoke them. The chairman's reminder is wise and sound and I would recommend, if I may, with all respect, Mr. Chairman, that that sound principle should be known as "Ervin's law."

In December—and there is a typo here; it should be 1972—and January 1973, I was primarily involved with inaugural matters and can recall no direct meetings or consultations with regard to the Watergate or related matters until February 6. On that day I attended a meeting in Mr. Ehrlichman's office to discuss our legislative position with respect to the proposed resolution creating this select committee. Except for the discussion at this meeting, I knew of no other planning or preparation that had been going on with regard to these hearings. Within the White House, I was a critic of this lack of preparation.

This may explain why I was called to the meetings in California on February 10 and 11. I had been home with intestinal flu for 2 days and had been planning to take the weekend off and had reservations for my wife and family at the Greenbrier for the long weekend of February 9 to 12. But late on the afternoon of February 9, Mr. Dean called me at home to say that we were both asked by Mr. Ehrlichman to meet with Mr. Haldeman and himself in San Clemente on February 10 to discuss the forthcoming Senate hearings. I, therefore, took my family and baggage to the Far West instead of South.

Mr. Dean and I met on Saturday, February 10, 1973, at San Clemente with Messrs. Haldeman and Ehrlichman in Mr. Ehrlichman's office from 10:30 or 11 in the morning until 3 or 4 in the afternoon. On Sunday, we went to Mr. Haldeman's cottage at La Costa.

All four of us were present for the majority of the time. One or more of us would leave the group on occasion to make a telephone call or to perform some other function. Summarizing these meetings is difficult because they involved about 8 hours of conversation, with none of the participants adhering to any strict agenda. In addition, the many things that were said during these sessions were heard by anywhere from two to four people—depending on who was absent at the moment—each person with a different background or degree of knowledge or point of view. It was a situation, if you will, where Ervin's law applied to the fourth power. With that prelude, let me now give you my best recollection of what transpired while I was present.

At the outset Mr. Ehrlichman or Mr. Haldeman—and parenthetically, I sometimes find it hard to recall which was which—asked Mr. Dean and me what we had been doing to prepare for the hearings. The answer was nothing. The focus of these hearings, they said, would be the activities of the Committee To Re-Elect the President, and it would be the committee that would have the primary responsibility for the defense. Had we had any discussions or, as they put it, any input, from John Mitchell? The answer was "No." Either Mr. Haldeman or Ehrlichman then said that in that case, Dick Moore ought to sit down with John Mitchell as soon as he could and fill him in on the things that we discuss here and get Mr. Mitchell actively interested—he is the only one who could give real leadership to the people at the committee.

Either Haldeman or Ehrlichman then suggested that Mr. Dean be the White House coordinator for the hearing, and that I hold

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myself available to advise him. I suggested that the White House have a writer-spokesman who could issue statements or go on television, if necessary, to reply quickly to testimony or commentary that was wrong or slanted. Mr. Dean, I believe, suggested that Pat Buchanan be this spokesman.

The meeting then turned to a discussion of our relationship with the minority members of the committee. It was pointed out that in an ordinary hearing there is an open relationship between the White House and the committee leadership of the same party, and the White House has a perfectly proper role in presenting its views to the members affiliated with its party on the particular committee. No one in the group had any firm view as to what was appropriate here, but the general feeling was that since this was in effect an investigation of the administration, the normal relationship might not apply and we probably should maintain an arm's-length approach even to the Republican members. In any event, it was agreed that Wally Johnson, then of the White House Congressional Relations Staff, would be made available for whatever liaison with the committee might be appropriate.

Early in the discussions, Mr. Ehrlichman made it clear that the President wanted our position in the hearings to be one of full cooperation, subject only to the doctrine of separation of powers. It was agreed it would be important to work out a statement on executive privilege (the President had recently promised the press he would do this), that would enable us to cooperate and supply the information that the committee wanted. It is my recollection that at this time the question whether Presidential advisers would be permitted to appear was still unresolved, although the consensus was that appearances should be permitted where the subject matter did not relate to their official duties for the President.

Parenthetically, some of the matters that were discussed here clearly would not relate to official duties.

There was, as I have said, no prepared sequence to our discussions, and I cannot recall all the other subjects we discussed. I do recall a discussion about putting out a White House statement in advance of the hearings setting forth all the known facts about the Watergate episode. It was also agreed that more manpower would be needed by the Committee To Re-Elect the President—possibly in the form of young lawyers and researchers to review each day's testimony and prepare rebuttals. This was among the items I agreed to discuss with Mr. Mitchell.

Mr. Dean, of course, has testified about a discussion of money. His recollection differs from mine, and again illustrates the principle which I have called Ervin's law. The brief mention of money made at this meeting may have had a very different significance to a person with Mr. Dean's knowledge of the circumstances than it had to a person with my lack of knowledge. My recollection on that subject is as follows: The subject came up, I believe, on the second day at the hotel. In the context of a discussion of the litigation in which the committee was then involved, John Dean, in a sort of by-the-way reference, said he had been told by the lawyers—and I think that was the way he put it, but I cannot be precise about his language—that they may be needing some more money, and did we have any ideas? Someone said,

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isn't that something that John Mitchell might handle with his rich New York friends. It was suggested that since I would be meeting with Mr. Mitchell I should mention this when I saw him and I said I would.

As I look back now, of course, with the knowledge I subsequently began acquiring in the latter part of March, Mr. Dean's reference to a need for money might well have stimulated some further inquiries on my part at La Costa. But I did not have that knowledge on February 11—at that point I knew nothing about any prior payments to any defendants or their counsel—and no one else at the meeting went into any details, at least in my presence. Moreover, I had served for a year as special assistant to Mr. Mitchell at the Department of Justice, and I know him well. I was certain that he wasn't about to be programmed into becoming a fundraiser by Mr. Haldeman and Mr. Ehrlichman, and I anticipated that Mitchell's answer would be no, as it turned out to be.

We discussed several other matters and the meeting ended, as I recall, with Ehrlichman asking me about my draft of the statement on executive privilege. He indicated that he would like a revised report to be prepared and cleared for review by the President on the flight east, the next day. At sometime during or just after the Sunday meeting, I called my secretary in Washington and dictated some changes in the statement to be cleared among those in Washington who were working on the draft.

Mr. Dean has testified that we left the meeting together and that he had a conversation with me at which time he cautioned me against conveying this fund raising request when I saw Mr. Mitchell. I have absolutely no recollection of any such conversation and I am convinced it never took place.

I returned to my office in Washington on February 13, and telephoned Mr. Mitchell to inquire whether he had any immediate plans to be in Washington. He said he did not, and I said I needed 2 or 3 hours with him to tell him about the meetings in California. He suggested that I come to New York and we could take as much time as we needed. On February 15, I took a morning shuttle to New York, went to Mr. Mitchell's office, visited briefly before lunch, and after lunch we had a discussion about the California meetings and the upcoming hearings.

Knowing Mr. Mitchell as I do, I felt there were several points where he would resist being "programed" by the White House staff, as I mentioned earlier, and I elected to get those out of the way at the start. At the beginning of our discussion I said something like this: "Well, you will be glad to know that the group in San Clemente thinks you should be taking a more active interest in the Ervin hearings." I had a somewhat blunt reply, such as, thank you, and as you know, I am indeed interested and, I may be a star witness. I told him it was suggested that it would be most helpful if he could spend part of each week in his law firm's Washington office. He made a chilly reply that he would come to Washington whenever he felt it necessary. Then I said something to the effect that I didn't know what it was all about but that it had been suggested that the committee lawyers might be needing more money and that his White House friends had nominated him for the honor of being a fundraiser. I don't remember his exact words, but I believe he said something like "Tell them to get lost."

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during that period of time? I mean, you were talking with him on a continuous basis about campaign matters to start with.

Mr. MITCHELL. I would believe I could answer that Mr. Thompson by saying that if I had any suspicion of it I would certainly have pursued it, yes.

Mr. THOMPSON. All right, sir.

So any reference to Mr. Colson then, from what I can gather at this particular time, simply goes back to what Magruder's testimony was concerning who might have been pushing him. Would that be an accurate statement?

Mr. MITCHELL. Well, it also goes to the point where I believe I have just recently testified here within the last number of minutes of the fact that Mr. LaRue mentioned the subject matter to me in this year.

Mr. THOMPSON. Mr. Mitchell, on the night of June 17, 1972, did you have a conversation with Pat Gray?

Mr. MITCHELL. No, sir.

Mr. THOMPSON. Did you see him at any time during that day or night?

Mr. MITCHELL. No, sir.

Mr. THOMPSON. When was the first time you saw Pat Gray after June 17, 1972?

Mr. MITCHELL. I do not believe I have seen him since June 17.

Mr. THOMPSON. Let me ask you to relate briefly to us—

Mr. MITCHELL. By the way, Mr. Thompson, you asked about June 17. All of these specs stories in the newspapers put it the following day on the 18th, which was the Sunday, not the 17th. And my answer is no to that question, too.

Mr. THOMPSON. I was interested in the 17th only. Let me ask you to refer back to February 15 of this year. As I understand it, Mr. Richard Moore came to you and visited you and had a conversation with you in New York, is that correct?

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. Could you relate to us briefly the substance of that conversation?

Mr. MITCHELL. The subject, general subject matter other than the one that Mr. Dash has touched upon here, had to do with the Ervin committee, this committee, the Select Committee, its activities, as how to some extent the White House was going to respond and how the Committee for the Re-Election of the President and their personnel were to be handled. I think he carried with him a suggestion that it would be nice if I would move back to Washington and help with the personnel who were, from the Committee for the Re-Election of the President, who were going to appear before this committee. I thanked him very much and declined the suggestion. We got into the question of whether or not I would be interested in helping to raise support money. I did not thank him for that but I declined anyway. We discussed a number of other areas with respect to the committee and its proposed staff and, as I recall, the question again of executive privilege which was always being discussed, general approach to the subject.

Mr. THOMPSON. Let me ask you to recall as specifically as you can exactly what he said to you concerning money.

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Mr. MITCHELL. Well, I don't know as I can remember the specific phrase but there is one thought that sticks in my mind which may or may not be the exact words but it was something to the effect, "You would not be interested in helping raise money in connection with these activities, would you?" It was more of a question than it was a plea, and my answer to that was negative.

Mr. THOMPSON. What activities?

Mr. MITCHELL. The activities, the payment for the support and the legal fees of the people that were involved in the Watergate.

Mr. THOMPSON. Did he specifically mention support for the people involved in the Watergate?

Mr. MITCHELL. Well, this was the general tenor of the subject matter, yes.

Mr. THOMPSON. Did you have any talk about——

Mr. MITCHELL. Or at least I understood when he talked about raising funds that this is what they were talking about.

Mr. THOMPSON. That is the way you received it from your end of the conversation?

Mr. MITCHELL. Yes sir.

Mr. THOMPSON. Did you also discuss the Committee to Re-Elect, how the Committee to Re-Elect was going to function from then on?

Mr. MITCHELL. Yes, I covered that generally in my answer. It was discussed to the point that there would be people coming up here to testify, that if they would be needing counsel, counsel would be needing the backup of the documentation which was in the committee.

Mr. THOMPSON. Did you also discuss additional staffing?

Mr. MITCHELL. I think the additional staffing was discussed in connection with the other aspects of the litigation but there was the discussion that the lawyers, and I am talking about Mr. Parkinson and Mr. O'Brien, who had been doing legal work for the committee would be examining this area of the subject matter of the people from the committee who were coming up here to testify, and it was conceivable that they would need additional assistance.

Mr. THOMPSON. Additional lawyers would be employed by the committee?

Mr. MITCHELL. I think, Mr. Thompson, it went both to the potential of additional lawyers as well as clerical or staff help to take care of providing for the documentation that might be required in connection with it.

Mr. THOMPSON. Were there any other matters which you discussed there that would possibly require money or any additional money, where money considerations might be involved in any way?

Mr. MITCHELL. I don't——

Mr. THOMPSON. In other words, what you have mentioned so far did it involve that?

Mr. MITCHELL. I don't recall, Mr. Thompson because it seems to me that one thing that the Committee for the Re-Election of the President has or at least the finance committee has had plenty of money.

Mr. THOMPSON. All right, sir.

Are you firm in your own mind that Mr. Moore, from what he said to you, in the words that he used, referred specifically to support money for defendants or in retrospect would you say that is the way that you took it?

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Mr. MITCHELL. That is the way I took it. Because, as I say, to the best of my recollection it was a very brief, almost an aside "Would you be interested in raising any more money" and the answer was negative, and—

Mr. THOMPSON. Raising any more money?

Mr. MITCHELL. Well, I think I had better drop the "more" since I hadn't raised any up to that time. Thank you very much.

Mr. THOMPSON. You had not raised any money up until that time?

Mr. MITCHELL. That is correct.

Mr. THOMPSON. Was the talk of the money the major focus of the conversation or did it receive equal consideration in your conversation or was it a minor part of the conversation?

Mr. MITCHELL. A very minor. As I mentioned before, I described it as almost an aside and I think that is a proper terminology for the way in which it was put.

Mr. THOMPSON. Just one more question or small line of questions, Mr. Mitchell, and I think this should be asked. If my memory serves me correctly, newspaper reports were that on one occasion fairly recently, I believe in a telephone conversation you had with a columnist, you indicated that you were not going to be the fall guy in this thing. Was that an accurate report?

Mr. MITCHELL. It most assuredly was not. I think you are quoting the other side, of the distaff side of the Mitchell family, not me.

Mr. THOMPSON. You didn't take the telephone and verify that fact then?

Mr. MITCHELL. I did not what?

Mr. THOMPSON. You did not take the telephone yourself after that comment was made?

Mr. MITCHELL. I took the telephone to try to terminate the conversation, not to perpetrate it.

Mr. THOMPSON. All right, sir.

Mr. Mitchell, have you requested immunity for your appearance here today?

Mr. MITCHELL. No.

Mr. THOMPSON. And of course, have received none, is that correct?

Mr. MITCHELL. That is correct, Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Mitchell.

Senator ERVIN. Any further questions from any member of the committee?

Mr. Mitchell, on behalf of the committee I wish to thank you for the extreme patience which you have manifested in what was necessarily a very trying ordeal.

Mr. MITCHELL. Mr. Chairman, if I might respond just briefly, I certainly want to, and I am sure my counsel do likewise, thank the committee and certainly the staff for the many courtesies that have been extended to us which have made the coming and going in the intermissions, and so forth much, much easier than they might have been otherwise, and we are quite appreciative of it. We appreciate it.

Senator ERVIN. Thank you, sir.

Mr. HUNDLEY. Thank you very much.

Senator ERVIN. On behalf of the committee I wish to make certain announcements.

44. On or about February 14, 1973 Magruder met with Haldeman and discussed Magruder's possible future employment. Prior to this meeting Hugh Sloan had told John Dean that because of Jeb Magruder's suggestion to Sloan in June 1972 that Sloan perjure himself regarding the funds paid to Gordon Liddy by CRP, Sloan would testify against Magruder if Magruder should be nominated for a high government office. On or about February 19, 1973 Dean met with Haldeman, and he thereafter drew up an agenda of matters to be discussed and resolved at a meeting between Haldeman and the President. In that agenda it was stated that Magruder wanted to return to the White House; that Magruder "may be vulnerable (Sloan) until Senate hearings are completed;" and that Magruder "personally is prepared to withstand confirmation hearings." On February 23, 1973 Sloan met with Haldeman. According to Sloan, Haldeman told Sloan that no individual who had become a prominent figure in the Watergate matter would be placed in a high government position. On March 2, 1973 Magruder met with Haldeman and Dean. At this meeting Magruder was offered and subsequently accepted the position of Deputy Under-Secretary of Commerce for Policy Development, a Level IV government position carrying an annual salary of \$36,000.

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McCord was involved. It would have been at some point after that meeting with Mr. Liddy.

Mr. DASH. On or about June 21 or 22 did you have a conversation with Mr. Magruder?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you briefly tell the committee what that conversation was about?

Mr. SLOAN. I forget all of the circumstances surrounding it. I am not positive on the dates but to the best of my recollection, this would be the general time frame, the time period. I forget, I believe he called me to his office. He indicated to me that we are going to have to—or suggested to me a figure of what I had given to Mr. Liddy in the range of somewhere \$75,000 to \$80,000. I do not believe at that point in time I had prepared a summary of the figures so I did not know the precise amount of money that I had given to Mr. Liddy at that point. However, I did know that the sum was considerably larger than that because Mr. Magruder himself had authorized a payment for \$83,000 in one single installment.

I must have indicated to him, well, that just is not the right figure. I did not have the right figure, but that is too low. He indicated to me at that time that I said to him, he must have been insistent because I remember making to him on that occasion a statement I have no intention of perjuring myself.

Mr. DASH. What did he say to you when you said that?

Mr. SLOAN. He said you may have to.

Mr. DASH. Did you have shortly after, either on that day or any day following, a conversation with Mr. Fred LaRue?

Mr. SLOAN. Yes, sir.

Mr. DASH. Who was Fred LaRue at that time?

Mr. SLOAN. He was a special assistant to Mr. Mitchell, who was the campaign director at that time.

Mr. DASH. Could you just briefly give us the content of that conversation?

Mr. SLOAN. I believe by that point in that time there was a general awareness within the campaign that an internal investigation was going on and that Mr. LaRue was conducting it in behalf of Mr. Mitchell.

At that meeting we discussed, I believe, in general terms, and again my recollection, if the timing is right, I would not have the right figure, we were just generally discussing figures cash problems and he specifically mentioned, he asked me whether I received a \$50,000 contribution from Mr. Porter and I said I had, and he said, and this would be after April 7, he said what have you done with it? I said I have done nothing because I do not know who it is from. I am waiting for Mr. Porter to give me the information. He called in Mr. Porter and this was in the context of there is going to be an external investigation. are there any remaining problems, things that could be embarrassing? I was recounting to him there were certain funds we did not have information on, we had done nothing. He called Mr. Porter in and asked him about it and Mr. Porter said he did not know, it came through an attorney in Washington, they did not want to be known, it was an anonymous contribution.

Senator GURNEY. First of all, did you talk to him at all when you were with the committee?

Mr. SLOAN. In earlier periods with regard to advice on campaign law, particularly the old Corrupt Practices Act, prior to the time we had a full-time counsel with our committee.

Senator GURNEY. I see.

Now, then, go on about the other occasions.

Mr. SLOAN. I do not believe I had any other regular contact with him other than that context while I was at the finance committee. When I left, I saw him the day I resigned, and after I retained counsel or thought I had retained counsel, because this had taken a considerable period of time and my car that was parked in the towaway zone of the White House had been towed away. It was sort of a frustrating day.

Senator GURNEY. What was that? I missed it.

Mr. SLOAN. My car, which had been parked in a towaway zone, that day lasted beyond 4:30 and my car had disappeared following my resignation.

Senator GURNEY. Did that have any connection with Watergate?

Mr. SLOAN. I do not believe so, Senator. I was somewhat frustrated at that point and turned to John Dean, that he might be of some assistance locating where the Metropolitan Police Department might have placed it, and he was very helpful in that regard.

Senator GURNEY. He certainly has a lot of contacts.

Well, continue, now, on your contacts with Mr. Dean after you left the committee.

Mr. SLOAN. Sir, he, Herb Kalmbach, and Maury Stans, throughout this period, would essentially call me every week or so to see how I was doing, take the temperature of the water, so to speak.

Senator GURNEY. Could you tell us a little more about these conversations?

Mr. SLOAN. I really can't Senator. They were very indefinite. Maury Stans occasionally would ask me advice on some of the civil litigation that had come up—what do you think we ought to do about this, how is your family? It was generally that kind of conversation. There were a number, but I really can't characterize them in terms of any specific substantive material.

Senator GURNEY. But this was Dean calling you now?

Mr. SLOAN. Yes, sir; and at various times, I would call him. At that point, I understood that he was handling within the White House the investigation of this matter. I sought him out, surely, after I had resigned to give him the same information I had given everybody else with regard to the money and the Magruder approach.

Senator GURNEY. As I understand it, these are conversations generally by him to you to find out anything he could find out. Is that it?

Mr. SLOAN. Well, he generally would not—my judgment was that he was not seeking information from me with regard to what had happened after I had resigned and the money and the Magruder approach. I really had to force it on him. I went over and saw him one day and said, this is what I think happened; I understand you are doing an investigation.

One day we had a conversation about Mr. Magruder which continued on. I think this must have been later after—I am not sure of the

exact timing, but I expressed a feeling to him that I had felt so strongly about what Mr. Magruder had—not so much what he had suggested, but what he had forced on me in the way of a personal decision, and the very nature of the suggestion, that I expressed to Mr. Dean the thought that if Mr. Magruder ever were presented before a Senate committee for confirmation for a high public office, I would personally seek out that committee and voluntarily testify against him.

Senator GURNEY. What did Mr. Dean say to that?

Mr. SLOAN. He said, it will never happen.

Senator GURNEY. How many phone conversations would you say you had with him and during what period of time? Just approximately.

Mr. SLOAN. I am not sure, Senator. They might have come up 2 or 3 weeks apart, throughout the period leading up to the trial.

Senator GURNEY. This is from July 1972 until January 1973?

Mr. SLOAN. Yes sir.

Senator GURNEY. And is it your impression, then, that he made these conversations because he was in charge of the White House investigation, the Watergate investigation?

Mr. SLOAN. No; my impression more was that it was a personal concern. He was just checking to see how I was. He was involved with—Herb Kalmbach, for instance, had offered to assist me in seeking private employment. We discussed my going to law school. He suggested I see John Dean on that matter, if John had any suggestions. It was generally this kind of a conversation.

Senator GURNEY. Has he ever made any suggestion to you other than the one you discussed with the chairman on the fifth amendment advice as far as testimony in the grand jury or this committee is concerned?

Mr. SLOAN. No, sir, I do not believe he has ever given me any legal advice in that context.

Senator GURNEY. In all of these conversations, did he ever mention the name of President Nixon?

Mr. SLOAN. Not that I recall, Senator.

Senator GURNEY. You testified that you went to California. That was when you were asked to leave town for a while, I do not think you told us what you did in California. Would you describe to the committee what you did?

Mr. SLOAN. Well, I forget where Secretary Stans was. I could not join up with him until that Sunday night. There was a meeting on the California budget—

Senator ERVIN. There is a vote on the floor of the Senate, so maybe we had better go over and vote and come back.

[Recess.]

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman. I think we were discussing the time that you were in California, Mr. Sloan.

Mr. SLOAN. Yes, sir.

Senator GURNEY. You had described what your activities were there at that time.

Mr. SLOAN. Until that Sunday evening when I joined Secretary Stans I had gone to San Francisco and spent a day and a half in my hotel room. I joined Secretary Stans for the budget meeting. When we

Mr. SLOAN. As I think I have indicated, Senator, these were funds authorized by higher authority, men who I worked with for periods of 5 or 6 years. They are men I have great trust in, I had no reason to be suspicious at that time of the motivations of any of these individuals.

Senator INOUE. Now, as the events unfold, how do you feel, sir?

Mr. SLOAN. Quite frankly, Senator—

Senator INOUE. Were you surprised?

Mr. SLOAN. Yes, sir. Everyday I continue to be surprised.

Senator INOUE. Thank you, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Sloan, I would like to, if you could go back to your meeting with Mr. Haldeman in the White House on January of this year.

Mr. SLOAN. Yes, sir.

Senator WEICKER. Now, first of all, exactly when was the date of this meeting?

Mr. SLOAN. Senator, I am not sure of the precise date. My best recollection from memory would be toward the end of January perhaps early February.

Senator WEICKER. And am I correct in stating you indicated the meeting lasted about 45 minutes?

Mr. SLOAN. Yes, sir.

Senator WEICKER. Well, my first question would be why, why the meeting, why did you request the meeting or did you request the meeting?

Mr. SLOAN. Yes, sir, I did.

Senator WEICKER. Why?

Mr. SLOAN. Senator, the reason I requested the meeting, and I think the period of time in question is important, the criminal trial was over, I think some of the information on Mr. Segretti had come out, but generally it was in a lull period where in my judgment the decisions had been made, essentially the matter had been gotten away with, that it stopped with the conviction of the seven men. I was at the point in time where I was actively seeking private employment. Mr. Haldeman had essentially asked me to undertake this task. The continuing on of the political leadership in the campaign in opposition to the views I held, the fact that presumably these same men were the source of any information that Mr. Haldeman had, I felt it was in my interest, particularly in terms of seeking private employment, to be sure that there was not an active effort on the part of the administration because of misinformation of the reasons I had done what I had done, that there would be any active efforts to make things difficult for me in terms of seeking private employment. I sought him out. I had a very cordial meeting with him, spent about 45 minutes. I told him without naming names, because I thought it was a dead issue, but I told him essentially that I wanted to make very clear to him why I had done what I had done, and I said I also want you to know that I still feel total loyalty to the President of the United States. I have worked for him over this period of time and my wife has for a long period of time, because we believe in what he is doing, and I want you to know that I feel that I did not leave the team, as far as I am concerned the team left me. And I said I cannot under-

stand the continuing support of individuals who in my judgment it is pretty obvious are involved in this situation.

I think he interpreted part of the purpose of my meeting was essentially to feel out the possibility of employment in the Government. This was not my purpose. I had long ago made the decision that is not what I wanted to do. However, it did produce the discussion on his part, a statement that the policy of the administration was that no individual who had become a "Watergate" figure or prominently mentioned in the newspapers would be placed in high Government office until the issue was totally resolved, and I said I totally understand that policy, I couldn't agree with you more, and he said in terms of your age I agree with your decision, this is the right time to go out in the private sector if you want to make a career there. However, if at a later date, if this matter is totally resolved, if you want to be considered for high position in Government I will be glad to sponsor you.

Generally, I think this was the tone and nature of this discussion.

Senator WEICKER. Now, did that meeting have anything to do with your being rehired by the Committee To Re-Elect the President as a consultant?

Mr. SLOAN. No, sir; I made that decision prior to that. This would be probably about the midpoint during that consultancy. I went to the committee in early January, probably I think January 3.

Senator WEICKER. In other words, when you went to see Mr. Haldeman in January, you already had been rehired?

Mr. SLOAN. Yes sir, that is correct.

Senator WEICKER. As a consultant to the Committee To Re-Elect the President?

Mr. SLOAN. Finance committee. The political committee, as I understood it, had essentially been dissolved, although that turned out not to be the case.

Senator WEICKER. Who rehired you as consultant or how did the rehiring as consultant to the finance committee come about?

Mr. SLOAN. During the period after my resignation, I would guess two occasions, Secretary Stans sought me out seeking my return to the campaign.

Senator WEICKER. That was at what time?

Mr. SLOAN. I am not sure it would have been, I am just not sure, some point during this 5-month period following my resignation in July.

Senator WEICKER. All right.

Mr. SLOAN. I in no way wished to consider it. I turned him down.

After 5 months with the election over, he asked me again. Essentially it was in the terms of you have taken essentially a bum rap on this thing and I know it's been difficult for you, 5 months without gainful employment, I would like you to come back and help me wrap up the campaign.

I consented because certain conditions which would have made it objectionable to me and why I would refuse such an offer prior to that time were met. One, I did not feel if I had this kind of opportunity at this particular point in time with no prejudice being attached to that association, that I in good conscience could go on and not provide for my family. The conditions that no longer existed as far as I was con-

Senator WEICKER. Did you, and I want to lay it out here again, did you assume that he had some knowledge—and I emphasize the word “assume.” Obviously, at this point in time it was strictly on the basis of experience—experience that you had with Mr. Strachan, experience that you had insofar as laying out the chain of command?

Mr. MAGRUDER. It was natural on my part to assume that there was some knowledge; yes.

Senator WEICKER. Now, why, just out of curiosity, before you move on to the January meeting, why was everyone concerned as you indicated in your testimony this morning, with the money question? Did Mr. Haldeman seem concerned over the money in his phone call?

Mr. MAGRUDER. You mean the \$5,300?

Senator WEICKER. That is right.

Mr. MAGRUDER. I think first, there were two concerns: Mr. McCord obviously having been an employee of ours; and second, the money. The money was raised after April 7 and was not reported, in direct violation of the new campaign law, and could be traced back directly to the committee. So I think they were dual concerns. Those were the two initial concerns of the people I have discussed.

Senator WEICKER. Now, let us move to January 1973. I would like to ask a question here.

Am I correct in gathering from your testimony that you never spoke or met with Mr. Haldeman from June 18, 1972, to January of 1973?

Mr. MAGRUDER. No; that is not correct. I spoke with him on numerous occasions and met with him on numerous occasions but did not discuss the Watergate situation in substantive detail. We talked about it. I can recall once or twice talking to him about it as a problem, but not in the same sense; more as to handling it from the campaign standpoint in relation to charges made by Senator McGovern or whatever.

Senator WEICKER. Well, now, in your conversation on June 18 with Mr. Haldeman, his last instruction to you was to get back to Washington, was it not?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. And to get things in hand.

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. And you went back to Washington?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. Now, after you got back to Washington and surveyed the scene, did you get back in touch with Mr. Haldeman?

Mr. MAGRUDER. No; I got back in touch with Mr. Strachan after the Monday night. Well, I talked with Mr. Strachan on Monday. As a matter of fact, he was in Washington, and, of course, after our meeting on Monday night and after I destroyed the Gemstone file, I related those facts to Mr. Strachan, not to Mr. Haldeman.

Senator WEICKER. I see. So that aside from incidental matters and matters relating to the campaign, there was no real discussion between yourself and Mr. Haldeman as to the break-in at the Watergate and related activities between June 18 and January of 1973?

Mr. MAGRUDER. To be very specific, Senator, Mr. Haldeman, the way I worked with him when I worked with him and later when I worked for Mr. Mitchell, is I worked strictly through Gordon Strachan in

this case, or one of his assistants. Only when he called me did I respond. I cannot even recall any time that I initiated a call to Mr. Haldeman.

Senator WEICKER. All right.

Mr. MAGRUDER. Except in the January meeting, when I requested an interview with him to go over the job question.

Senator WEICKER. Now we move to January 1973 and the meeting with Mr. Haldeman. The main purpose of this meeting, as I gather it, was to talk about jobs for Mr. Porter and yourself; is that correct?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. Now, you have heard Mr. Sloan's testimony in which he said in response to a question that I asked him that if it did produce discussion on his part, the statement of policy on the case was that no individual who had become a Watergate figure or prominent Government official would be placed in office until the issue was totally resolved.

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. Can you give me any indication as to why this general policy was excepted in your case?

Mr. MAGRUDER. I did not know that was the general policy, Senator.

Senator WEICKER. Well, what was nature of the conversation between you and Mr. Haldeman on jobs?

Mr. MAGRUDER. Well, the nature of the discussion was basically, they had considered sending me up to the Senate for confirmation for one or two jobs that required Senate confirmation. During that discussion, he and I agreed that at this time—at that time—it would be inappropriate to go through that process. We both agreed to that. And so as an interim measure, we agreed to a position that turned out to be Director of Policy Development at the Commerce Department, which happened to be a level 4 job that did not require Senate confirmation. And we did not discuss, I think, that job at that time. We discussed the prospects of that kind of a job as an interim measure until the Watergate situation had been completely settled.

Senator WEICKER. Then after the conversation about jobs was over with, did you indicate to him your concern about the Watergate matter?

Mr. MAGRUDER. It was the other way around, Senator. I initiated the discussion on the subject of the Watergate because of what I considered to be beginning memory of difficulties on the part of some of the participants that I thought could have related to my own particular situation.

Senator WEICKER. And you related it to him at that time in January?

Mr. MAGRUDER. Yes, sir.

Senator WEICKER. The situation as to the Watergate, as to what was going on, relative to your participation and the story being contrived?

Mr. MAGRUDER. Yes, and it was particularly at that time also in relation to Mr. Porter because he was having difficulty with the personnel department at the White House and I wanted to be sure Mr. Haldeman understood how cooperative Mr. Porter had been.

Senator WEICKER. Was this before or—was this conversation with Mr. Haldeman before or after the trial?

Mr. MAGRUDER. It was before the trial, before the inauguration, sometime early in January, after the first of the year.

I emphasized my clear understanding that the purpose of the funds, as described to me by Dean, was for legal fees and family support; and that I had understood from Dean that both Mitchell and Dean felt this was a proper and important obligation to the defendants.

Since all information regarding the defense funds was given to me by John Dean, the counsel to the President, and possibly by John Mitchell, and since the arrangements for Kalmbach's collecting funds and for transferring the \$350,000 cash fund were made by John Dean, and since John Dean never stated at the time that the funds would be used for any other than legal and proper purposes, I had no reason to question the propriety or legality of the process of delivering the \$350,000 to the committee via LaRue or of having Kalmbach raise funds.

I have no personal knowledge of what was done with the funds raised by Kalmbach or with the \$350,000 that was delivered by Strachan to LaRue.

It would appear that, at the White House at least, John Dean was the only one who knew that the funds were for "hush money," if, in fact, that is what they were for. The rest of us relied on Dean and all thought that what was being done was legal and proper. No one, to my knowledge, was aware that these funds involved either black-mail or hush money until this suggestion was raised in March 1973.

MAGRUDER

To the best of my recollection, I had no meetings or discussions with Jeb Magruder regarding Watergate after our phone call of June 18, 1972, which has already been reported, until February 14, 1973. A review of my log confirms that I had no meetings at all with Magruder in 1973 until February 14.

We did meet on February 14 for about an hour and a quarter at Mr. Magruder's request in my office. The purpose of the meeting was to discuss his plans for the future. He felt that the Watergate matter was now settled as far as he was concerned; that his work at the inaugural committee was done and that it was time for him to make his future plans. He said he was interested in the possibility of running for office in California and he was also interested in the possibility of returning to a Government post in Washington. He was especially interested in a White House position in connection with the bicentennial. I advised him that there was no possibility of a Presidential appointment, or a White House position, until all of the Watergate matters had been cleared up, including the Senate hearings, which were, at that time, about to get underway.

I believe that, at this time, he had just returned from a trip to California where he had taken soundings as to the political possibilities and his job opportunities. I urged him, if he was interested in California politics, to go to work in private business out there and get himself reestablished in the State and then go into politics at a later point. I recommended that he not consider coming back into the Federal Government because if his interests were in California he now had the need to reestablish himself there. All of this was in the nature of political advice to a man who indicated his interests in running for political office.

He said, however, that all of the people he had talked with in California had urged him to go back into Government for a while; that he had strong family reasons for wanting to stay in Washington because his children were well established in the schools here; and that he had lost some of his interest in running for office in California and was more interested in the idea of staying in Washington. Since the Presidential appointment or White House post was out of the question, I suggested that he look into other Government possibilities and that he work with Jerry Jones and the White House personnel office in that regard.

I met with Magruder again on March 2 (I believe again at his request), at my office, with John Dean also present, for about an hour. At this meeting we reviewed the same general subjects we had discussed on February 14, and I gave him a list of jobs in the Government that had been developed by the personnel office. He expressed interest in one of the jobs on the list, a post at the Department of Commerce, and he subsequently did take that post.

I do not recall any discussion of any of the particulars of the Watergate matter or the so-called coverup—other than what I have already indicated regarding his feeling that the matter was now behind him.

I feel certain that there was no such discussion because had he told me the kinds of things that he has indicated to this committee that he told me regarding perjury, et cetera, I would have remembered them clearly and I would have done something about them.

Mr. Magruder has stated that he met with me in early January of 1973, before the inaugural, although he was unable to specify a date.

Mr. Dean, on the other hand, has indicated in his testimony that I met with Mr. Magruder in late January.

I do have a vague feeling that I talked with Magruder or at least knew about his plans prior to his trip to California, which I believe was in early February. I cannot recall any specific conversation or meeting. My feeling may arise from the fact that apparently John Dean talked with me in late January about Magruder's plans for going into politics in California and his plans to make a trip out there. Mr. Higby has told me that Mr. Magruder did request a meeting in January, but that I was unable to schedule one. I did later agree to such a meeting but when he called Magruder to set it up, Magruder had already left for California. It is possible that Magruder told Higby of his California plans and Higby relayed them to me.

Magruder's recollection of the substance of the alleged January conversation is in many respects very much along the lines of my recollection of our conversation on February 14, and I have the feeling that we are dealing here with a simple error in recollection of specific dates which is certainly understandable.

At no meeting with Magruder did he raise with me a monolog as he has described, laying out the true facts or claiming that he had committed or was going to commit perjury or that there had been any other illegal coverup activities undertaken in connection with the Watergate investigation.

I should also explain, Mr. Dash, that my outline of the Magruder meetings of February 14 and March 2 is somewhat different than the review I gave the committee staff when I met with them late into the

been thoroughly reported and I would concur in Mr. Moore's description of them as sort of brainstorming sessions regarding the whole range of questions of strategy regarding the Senate hearings, a review of possible problems, and general discussion of how to deal with a number of new factors.

It was obvious that the Senate hearings would generate massive publicity. In calling and hearing a wide range of witnesses one at a time on national television there would be a lot of charges and hearsay with no opportunity to answer them, in the same news cycle at least, and there was of course the real concern that the committee hearings might evolve into a very partisan exercise.

There was a freewheeling discussion of these various possibilities and problems and of ways and means of trying to deal with them or counteract them.

I feel that Mr. Dean in his statement to the committee has, in a number of instances, substantially misinterpreted the intent or implications of things that might have been said at the meeting.

Also I believe he has overlooked one of the principal purposes of the meeting, which was a discussion at great length of how to develop some way to learn the entire Watergate story—including the other activities that were by then bunched together as Watergate—and get it out in its totality and accurately. This was considered as one of the best ways to counteract the potential of adverse publicity arising from a drawn-out public hearing. The feeling was that putting all of the facts out, in one place, at one time, would give the American people a more accurate picture of the truth than would the drawn-out process of hearing one witness at a time over an extended period.

Another objective, which was the President's objective, was to try to work out ways and means by which the facts of Watergate or any testimony that could be provided by anybody in the White House, who had any knowledge, which would be of interest to this committee could be provided in the most complete form but without getting into the problem of the separation of powers and executive privilege.

I don't recall any discussion of the question of raising money, but I am sure that if there were any, it was in the form that Mr. Moore described; that is, a very incidental item occupying only a few minutes in a series of meetings that lasted for many hours. It was not a principal point of discussion. There was no discussion of a coverup of Watergate during these meetings.

Dean put into evidence as exhibit No. 34-34* an agenda he says was requested by me for a meeting with the President as a followup to La Costa on February 19 or 20. He seems to feel that this is a very significant document that is self-explanatory as evidence of a continuing coverup. I completely fail to see it that way.

There were five items on the agenda. First, a meeting of Senator Baker with the President which, it was my understanding Senator Baker had requested, and which seems to me to be perfectly natural as one step to be taken in working out the various problems regarding White House staff appearances at the Senate committee hearings, et cetera. Second, the question of submitting Maurice Stans' name for confirmation to the Senate for a post requiring such confirmation. This was a step designed to deal with two questions, first to give Mr. Stans

*See Book 3, p. 1243.

the opportunity to reenter Government at a suitably high level and, second, to provide him with the opportunity in a very short period of time to appear publicly and under questioning, to clear up all charges regarding his role in the Watergate, if any, and to give him a chance to, as he requested of this committee, get back his good name. Third, a question of whether Magruder could have a White House job. At that time I had already told Magruder that that would not be possible, but I think, the point here was to check that decision with the President to be sure he concurred. Fourth, the question of Buchanan sitting in on the hearings as a watch dog of the press—an idea that Dean says I suggested, although it is my recollection he suggested it at the La Costa meeting. In any event, this was certainly not a coverup move, but exactly the opposite. Fifth, the question of the Attorney General meeting with the President. That, too, was a logical step because we were into the matters of executive privilege and the question of White House staff members going to the hearings was important for the President to discuss with the Attorney General. As it concurrently or shortly thereafter developed, Senator Baker requested that Mr. Kleindienst be his contact with the administration.

In the latter part of February, as the questions of executive privilege and other matters dealing with the Senate Watergate inquiry intensified, the President saw that this was involving a substantial amount of time of a number of people in the White House and particularly seemed to be involving Ehrlichman and me in more expenditure of time than the President felt was productive. Consequently, he met with John Dean at the end of February regarding the matters of executive privilege, the Senate hearings, and so forth, and he gave instructions to me and I am sure to others, that all Watergate matters were to be handled by Dean at the White House and by Kleindienst at the Justice Department and that no one else was to devote time to the subject and that no one else was to get into the matter with the President. He was trying to avoid everyone getting into the act, wasting time, and diverting attention—which is a real danger when a highly publicized and volatile matter such as this comes up.

This decision of the President's led to the series of meetings that he had with Mr. Dean starting February 27 and running through March 21, meetings that were primarily concerned, at the outset, I believe, with executive privilege matters. That continued to be a major point, but as that 3-week period went on, the President's concern did grow regarding conflicting Watergate stories and, from what he indicated to me, he was intensifying pressure on Dean to find out a way to get the full story out. Dean at this point was clearly in charge of any matters relating to the Watergate. He was meeting frequently with the President and he still indicated that he was positive there was no White House involvement. During this time, the Gray hearings also became a matter of focus and the executive privilege question arose in connection with them, too. I have the feeling that during this period the President was gradually getting more of a feel of the possibility that there might be some problems involved in the Watergate matter that he had not even dreamed of and that that led to the meeting of March 21, in which John Dean was going to give the President the full story.

Mitchell wanted him, O'Brien, to get my version of the meeting, as well as the report he was getting from Mr. Moore.

On February 15, after a late breakfast, O'Brien and I took about a 2 hour walk down the beach, at which time I told him what had occurred at La Costa. I told him that Moore had been dispatched to New York by Haldeman and Ehrlichman to tell Mitchell it was his responsibility to raise the future money for the convicted defendants. O'Brien's reaction—as he was well aware of Mitchell's feeling that this was Haldeman's and Ehrlichman's problem and not his—was that Mitchell would probably go through the roof.

After returning from our walk we talked about the fact that I had been requested to suggest names for the minority counsel. It was during this conversation that I thought of Mr. Martin Hoffman, whom I knew to be a very capable lawyer then serving as general counsel of the Atomic Energy Commission, and a person who had worked on the Hill.

I called Mr. Hoffman and asked if he was interested. He said he was, but he did not know if Senator Baker would be because they had had a difference of opinion over a matter at the AEC. He said, however, he had done some work for Senator Baker in the past and liked him very much.

I then called Ehrlichman and he agreed that Mr. Hoffman would be a good choice. Next I called Haldeman and he said OK if Ehrlichman said OK, during my conversation with Haldeman he told me he had learned that the chief counsel's job had been offered to Mr. Ken Keating and Mr. Keating had sent a feeler to the White House as to whether he should be interested. Haldeman asked me to think about it.

After talking with Ehrlichman and Haldeman about Mr. Hoffman, I called Timmons and Johnson and asked them to float Mr. Hoffman's name to Senator Baker. Mr. Timmons called me back later and said it wouldn't float because the Senator had indicated he had had some problem with Mr. Hoffman and Chairman Schlesinger over an AEC matter. He liked Mr. Hoffman but said he was still miffed at him.

Later that day I called Mr. Moore, but learned he had gone to New York to see Mitchell. I had talked with Moore earlier that week, but had forgotten he was going to New York on the 15th.

Paul O'Brien called Mitchell in the midafternoon to report our conversation. I was in and out of the room while he was on the telephone talking to Mitchell as I didn't feel it was my business to listen to his conversation. I talked briefly with Mitchell at the end of the conversation he had with O'Brien. He talked about the possibility of Mr. Keating as chief counsel. Mr. Mitchell seemed intrigued by the idea, but doubted if Mr. Keating would accept. After I hung up, O'Brien reported that Mr. Moore had brought up the money raising matter, but Mitchell just didn't discuss it at any length with Moore. O'Brien departed Florida late that afternoon and my wife and I got away from the telephone for the next 3 days.

I returned to the office on Monday, February 19, and spoke with Haldeman on either the 19th or 20th. He requested that I draw up an agenda for a meeting with the President regarding matters which the President should reflect on as a result of the La Costa meeting and subsequent matters which had come up. Mr. Haldeman and I went over the high points of what should be raised, including items that had not come up at La Costa, such as Magruder's desire to return to the White

House staff and sending Mr. Stans to the Senate for a confirmable post as a tactic to counter the Watergate hearings.

I prepared the agenda. I thought that I was going to attend the meeting with the President, but Haldeman called for the agenda, and not me. I have submitted to the committee a copy of the agenda.

[The document referred to was marked exhibit No. 34-34.*]

Mr. DEAN. You will see that the agenda deals with five items to be discussed and resolved with the President:

1. Senator Baker's requested meeting with the President;
2. Submitting Secretary Stans' name for a confirmable position;
3. What to do with Mr. Magruder;
4. Using Mr. Buchanan during the Senate hearings; and
5. Getting the Attorney General back in touch with the White House.

Subsequent to Haldeman's meeting with the President, he informed that: The President would meet with Senator Baker; I should discuss with Mr. Stans his interest in a confirmable position; Magruder could not return to the White House staff; Buchanan could not be used at the Senate hearings; and the President would meet with the Attorney General.

I have not explained at this point the details of this rather significant document, but I believe the document is rather self-explanatory of the continuing coverup and I will, of course, answer any questions about it. I was not present when the President and Haldeman discussed these matters, but I had discussed them with Haldeman before he went to see the President and he informed me of the President's decisions after the meeting; thus, I assume that the agenda I had prepared was the basis of their discussions.

On February 20, or 21, Mr. Timmons told me he had arranged for the President to have an off-the-record, private meeting with Senator Baker. As you will note from the agenda I referred to just a moment ago, Mr. Timmons had reported that the Senator had told Timmons he wanted guidance and Timmons' interpretation was that the Senator wished to help the White House. Haldeman told me to prepare a briefing paper for the President and bring it directly to him rather than routing it through normal channels. I have submitted to the committee a copy of the agenda I prepared for the President's meeting with Senator Baker.

[The document referred to was marked exhibit No. 34-35.**]

Mr. DEAN. After the President met with Senator Baker I was informed by Haldeman that the Senator had appeared to be very interested in being cooperative and the President had the impression that he might be helpful. This, of course, was the White House hope, but nothing that was reported from the meeting made this anything more than a hope.

Also, Senator Baker told the President that he wanted his contact point to be Mr. Kleindienst, rather than someone on the White House staff. Haldeman told me that Senator Baker had urged the President to waive executive privilege and send members of the White House staff to the hearings as quickly as possible, but the President had told Senator Baker that he was going to hold the line at written interrogatories.

*See p. 1243.

**See p. 1245.

After Magruder met with Haldeman in late January 1973, I had occasion to see him in the hall of the EOB. He told me that he had talked with Haldeman and Mitchell about running for office in California and was planning a trip to California to test the water. He said now was the time, because he felt he could get good financial backing. I felt Magruder was in for some serious problems both before the grand jury and the Senate hearings, but without saying this to him, I tried to dissuade him from running for office until this entire matter had been resolved.

Shortly after this conversation with Magruder I phoned Haldeman and told him that I thought Magruder was making a mistake in going to California in pursuit of an elected office.

Haldeman agreed and said he was going to call Bob Finch and suggest that when Magruder met with him, Finch, that he be dissuaded. He asked me to call Kalmbach and make a similar suggestion, which I did, and Kalmbach said he would do it.

After Magruder returned from California he had decided that he wanted to stay in Washington. He was pushing hard to return to the White House staff, and work on the Bicentennial program. No one had the heart to tell Magruder that the President had said that he could not return to the White House staff. It was during this period of time, which I believe was mid-February, Magruder had a conversation with Mr. O'Brien, in which he told O'Brien that he had received his final authorization for Liddy's activities from Gordon Strachan and that Strachan had reported that Haldeman had cleared the matter with the President. I reported this to Haldeman, who expressed concern over Magruder's statement. After I reported this information, the White House efforts to find a job for Magruder became intense. Haldeman assigned Mr. Higby to the task. Higby called me to discuss the general type of job that I thought would satisfy Magruder and then Higby instructed Mr. Jerry Jones, the head of the White House personnel operation, to find an available, high level, nonconfirmable position for Magruder.

During the time when Mr. Jones was reviewing all the potential jobs for Magruder, I recall that Magruder dropped by my office and told me he had discussed his potential problems in full with both Higby and Haldeman. He asked me for my assistance and support in finding him a job. I assured Magruder I would help. He also indicated that Mitchell was trying to help get the job matter resolved.

On February 28, Mr. Jones submitted a memorandum to Higby and myself, a copy of which I have submitted to the committee.

[The document referred to was marked exhibit No. 34-37.*]

Mr. DEAN. After Haldeman reviewed the memorandum, a meeting was scheduled for Magruder to meet with Haldeman and I was asked to attend.

This meeting occurred during the first week of March and Magruder explained to Haldeman at the meeting that he did not want to leave Washington. Haldeman told Magruder that his working at the Bicentennial was not realistic, but to consider the position at the Department of Commerce as an Assistant to the Secretary for Policy Development. Magruder said he was interested but wanted some assur-

*See n. 1249.

ance from Haldeman that if he made it through the Senate hearings, as he had the grand jury and trial, that he could have a better job later.

Haldeman said that he could not make a firm promise, but that he would do all he personally could do to assist. This was good enough for Magruder. Haldeman said that Mr. Jones would be told to proceed with Secretary Dent to get the position at the Commerce Department finalized.

On March 5, I received a call from Secretary Dent regarding his hiring Magruder. I did not want to tell Secretary Dent that Magruder was totally free from future problems so I was evasive with him. I hinted that Magruder might have some problems. Because I regretted misleading him, I prepared a memorandum for my files—something I seldom do—because I felt Magruder was, in fact, going to have problems. In fact, I thought everyone was going to have problems. I have submitted a copy of this memorandum reflecting this conversation with Secretary Dent to the committee.

[The document referred to was marked exhibit No. 34-38.*]

Mr. DEAN. I would now like to turn to the meetings I had with the President in February and March of this year.

I have described to the committee several matters that followed the La Costa meeting which directly involved Presidential decisionmaking and Presidential involvement. I would now like to turn to my direct dealings with the President which began in late February of 1973 with regard to the Watergate and related matters. I feel I can best set forth what transpired at these meetings by discussing what occurred at each meeting.

MEETING OF FEBRUARY 27

This was the first meeting I had had with the President since my September 15, 1972, meeting which related to the Watergate. It was at this meeting that the President directed that I report directly to him regarding all Watergate matters. He told me that this matter was taking too much time from Haldeman's and Ehrlichman's normal duties and he also told me that they were principals in the matter, and I, therefore, could be more objective than they. The President then told me of his meetings with Senator Baker and the Attorney General. He told me that Senator Baker had requested that the Attorney General be his contact point and that I should keep in contact with the Attorney General to make sure that the Attorney General and Senator Baker were working together. He asked me to follow up immediately to determine if the Attorney General and Baker had met. I informed him that I had earlier discussed this with the Attorney General and the Attorney General was planning to meet with Senator Baker and Senator Ervin to discuss turning over FBI data regarding the Watergate investigation.

A brief discussion followed in which the President recounted, what had already been reported to me by Haldeman, that he had told Senator Baker that he would not permit White House staff to appear before the Select Committee, rather he would only permit the taking of written interrogatories. He asked me if I agreed with this and I said that written interrogatories were something that could be handled

1243

EXHIBIT NO. 34-34

AGENDA

Matters to be discussed and resolved:

(1) Baker meeting with President:

- Baker requested secret meeting re Watergate hearings.
- Baker told Timmons he wants guidance, but to maintain his purity in the Senate he doesn't want anyone to know of meeting with the President.
- Timmons believes that Baker wants to help.
- Timmons does not feel Baker would object if there was staff present during meeting, so long as fact of meeting never gets out.
- Meeting would be excellent chance to find out what Baker plans to do and set up channel to work with him.

(2) Sending Stans up for Confirmation:

- We don't know if Stans wants to do this, but we do know he wants to be rehabilitated and isn't afraid to tell his story publicly.
- Confirmation hearings would help defuse Watergate hearings, and the more of this we get to the public, the less impact the Watergate hearings per se will have.
- This should be resolved quickly, because it will only be helpful if it occurs prior to Watergate hearings. (Stans has requested to see Dean on Feb. 28th -- upon his return from Jamaica.)

(3) What to do with Magruder:

- Jeb wants to return to White House (Bicentennial project).
- May be vulnerable (Sloan) until Senate hearings are completed.
- Jeb personally is prepared to withstand confirmation hearings.

(4) Use of Buchanan as Observer/Spokesman to keep press coverage honest:

- Watergate press coverage to date has been dishonest and libelous. Pat could call them to task.
- The hearings are going to be partisan. Pat could make certain that the public understands this.

1244

- Teddy Kennedy is a moving force behind the hearings -- this can and should be documented. Pat could do this well.
- The public does not percieve Buchanan as being that close to the President. The basic question is whether the White House is going to sit quietly and take the unwarranted abuse that is bound to come from hearings. We can't run a secret counter PR effort so why not do it openly and respectfully -- Pat can do that.
- Buchanan's role will eliminate much of the heat that Ziegler will otherwise recieve and Ziegler could even have Pat brief from time to time.

(5) Getting the A. G. back on the reservation:

- A. G. is merely biding his time until he returns to private sector.
- A. G. is extremely loyal to the President and if asked to take an active concern in these hearings (and their fall out) would do so -- otherwise he will probably do what is best for his own self interest.
- A. G. should be asked to remain in office at least one full .. year from this date (i. e., until hearings have passed) because hearings may well result in request for additional action by DOJ. A. G. can get Henry Petersen -- who has the greatest loyalty for the A. G. -- to handle sensitive problems with ease. We can't afford bitterness in the DOJ nor can we risk a new A. G. being able to grappel with some of the potential problems.

DV

7

1 fact that Mr. Magruder had leaned pretty heavily on Mr. Sloan
2 to alter his testimony.

3 Q Did there -- strike that. In your conversation
4 with Mr. Haldeman, following the meeting Mr. Haldeman had
5 with the President, what did Mr. Haldeman say?

6 A He told me that Mr. Magruder could not come back
7 to the White House. He told me Magruder had wanted to work,
8 in some capacity, on the White House staff, while assisting
9 in the Bicentennial, and that this was just not possible.
10 The President didn't want him back in the White House.

11 Q Did he indicate that the President had made a de-
12 cision, however, about giving Mr. Magruder some sort of a job?

13 A Well, I frankly don't recall in how much detail Mr.
14 Haldeman discussed that with me. I know that there was very
15 definitely a desire to get Mr. Magruder a job after that de-
16 cision was made, and I think I would be inferring rather than
17 have direct knowledge.

18 Q Now, did there come a time, on February 27th, when
19 you met with the President?

20 A Yes, I did.

21 Q Prior thereto, did you have a conversation with Mr.
22 Ehrlichman in which the subject of Executive Privilege was
23 discussed?

24 A Yes, I did.

25 Q Would you give us the substance of that conversation?

DV

1249

EXHIBIT No. 34-37

THE WHITE HOUSE
WASHINGTON

February 28, 1973

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

LARRY HIGBY
JOHN DEAN

FROM:

JERRY JONES

SUBJECT:

Options for Jeb Magruder

Listed below are nine possible options for Jeb. Some will break more china to secure than others; where there are problems, I have so noted them.

1. Assistant to the Secretary, or Deputy Under Secretary of Commerce for Policy Development, PA, Level IV. Would replace current Special Assistant to the Secretary of Commerce, Schedule C, Level V, authorized by E.O. 11510. Dent is interested and we are sending Jeb's resume over.

2. Assistant Secretary - Comptroller of HEW, PA, Level V. Would require cancellation of E.O. 11251 and reissuance of an E.O. to make the position a PA. The position has never been designated in terms of its appointment authority, but is currently filled by Bruce Cardwell on a career basis (by fiat). Even if the position were made a PA, Cardwell would still have career rights to the job. He must be promoted elsewhere and is being considered for social security position.

3. Deputy Under Secretary of HEW for Management Operations, PA, Level IV. Would have reporting to him the Assistant Secretaries for Administration (career, AP, Level V) and Comptroller (AP, Level V). Would require E.O. and Level IV position from pool. Could utilize one of two HEW pool levels being cancelled; Counsellor to the Secretary (E.O. 11550) which is vacant, or Special Assistant to the Secretary for Health Policy (E.O. 11604) currently occupied by Roger Egeberg (D-Calif.) who was "bumped" into that created position from his post of Assistant Secretary for Health and

1250

Scientific Affairs. This option would have to be approved by Malek and Weinberger and is not presently planned as an organizational move. An additional problem would be that Marik, who is going into the Administration job would probably have difficulties in being layered with Magruder.

4. Special Representative to the Canal Zone Negotiations, Level II, PA, carrying the rank of Ambassador. Anderson feels that State would put up strong resistance to Magruder for this position based on experience required and the delicate nature of the current negotiations. We should only undertake this option if we're willing to cause an uproar with Rogers.

5. Director, Bureau of Outdoor Recreation, Department of Interior, PA, Level IV. Would require cancellation of E.O. 11262 and a new one issued in its place. The position is currently a Schedule C, Level V and is vacant.

6. Associate Director of USIA for Research and Assessment, Schedule C, Level V. Could issue an E.O. making the position a PA. Currently vacant. Keogh would resist placing Magruder alongside Strachan on the grounds of not wanting to load his office with "Watergate problems."

7. Deputy Director of SBA, Schedule C, Level IV. Could publish E.O. making position PA. Currently occupied by Tony Chase who would be a top flight General Counsel for a large Department or a Federal Judge. We do not now have a General Counsel position for Chase although the Commerce job will probably be open within the next three or four months.

8. National Director, U. S. Savings Bond Program, Department of Treasury, PA, Level IV or V. Would require E.O. and level from pool. The position is currently a NEA, GS-18 and is vacant. I doubt Jeb would take this job.

9. Deputy Chairman and/or Executive Director of the National Endowment for the Humanities, PA, Level IV. Would require E.O. and level IV or V from pool. Chairman is a Level III and does not have a Deputy Chairman/Top Staff Executive. In the twin National Endowment for the Arts the Chairman (Level III) does have an NEA, GS-18, Deputy Chairman who serves as the top staff executive. I doubt Jeb would take this position.

In summary, my top two recommendations would be the Commerce planning job or the Comptroller job at HEW. All the others would create difficulties of one kind or another were we to place Jeb into them.

Wednesday, February 14

45

1973		MARCH					1973
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A.M.		P.M.
8:00		
8:15	HH-Z	
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8:45	back out	
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Evening		
6:00		
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6:30	Depart for home	
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Friday, February 23

54

1973	MARCH							1973
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8:00	A.M.		P.M.
8:15	AZEUS		
8:30			
8:45			
9:00			Lunch w/ L. H. by
9:15			Herb K. Klein
9:30			
9:45	Steve Paul (1st)		
10:00	Steve Paul (2nd)		
10:15			
10:30			
10:45			
11:00	High Noon		Health Unit
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Evening			
6:00			
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Friday, March 2

1973	APRIL						1973
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22	23	24	25	26	27	28	
29	30						12:50

7:50 Arrived 61

8:00

8:15 *Ken Cole - 2 AS*

President's Oval Office

8:30

8:45

9:00

9:15

9:30

9:45

10:00

10:15

10:30 *George Donnell*

10:45

11:00 *George Donnell*

11:15

11:30

11:45

12:00 *George Donnell*

12:15

12:30

12:45 *George Donnell*

Remain in Oval Evening Church Sat.

6:00 *Delet. Members*

6:15

6:30

6:45

Home for the Race

7:00

7:15

45. On February 22, 1973 H. R. Haldeman asked John Dean to prepare a briefing paper for a meeting between the President and Attorney General Richard Kleindienst. Haldeman told Dean not to transmit the memorandum through normal channels, but to hand carry it to him. Dean prepared a briefing paper stating that Kleindienst would probably like to leave government to accept an offer he had received from a law firm but that "Kleindienst is extremely loyal to the President and will do anything asked of him by the President." (Emphasis in original.)

The memorandum set forth recommendations for retaining Kleindienst as Attorney General. On February 23, 1973 the President met with Kleindienst from 10:08 to 10:52 a.m. Kleindienst testified that the President asked him to stay as Attorney General until the Watergate situation was over and discussed Kleindienst's role as liaison to the minority members of the Senate Select Committee.

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EXHIBIT No. 34-36

THE WHITE HOUSE
WASHINGTON

February 22, 1973

MEMORANDUM FOR:

H. R. HALDEMAN

FROM:

JOHN DEAN 

I did not use the prescribed format because I understand
that you do not want this to pass into the channels.

1248

Talking Points for Meeting with the Attorney General

Background:

- Kleindienst is biding his time until he returns to private law practice. He has discussed joining several law firms, and has a particularly attractive offer from one that he would probably like to accept.
- Kleindienst is less than enthusiastic about helping to solve some of the tough problems related to the forthcoming Watergate hearings. He doesn't want to get himself involved in any controversy at this time.
- The morale at the Department of Justice is low because they are extremely loyal to Kleindienst, but think the White House is trying to force him out.
- Kleindienst is extremely loyal to the President and will do anything asked of him by the President.

Recommendations:

- Kleindienst should be asked to remain in office at least one full year from this date (i. e., until after the Watergate hearings have passed), because the hearings may well result in a request for additional action by the Department of Justice. We can't afford bitterness at Justice nor can we risk a new Attorney General being able to handle some of the potential problems.
- Kleindienst should be asked to follow the hearings closely and keep us apprised of any potential problems from a Department of Justice standpoint.
- Kleindienst should be given the feeling that he is an important member of the team and it is not merely because of these hearings that he is being asked to stay on.

Finally, I was told that both the President and Senator Baker had discussed that there should be an effort to get the hearings over as quickly as possible.

This report of the meeting which Haldeman gave me was later confirmed in discussions I had with the President myself in early March of this year.

On February 22, Mr. Haldeman requested that I prepare a briefing paper for the President's meeting that day with Attorney General Kleindienst. Throughout the Watergate investigation Haldeman and particularly Ehrlichman, had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I knew that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conversations with Kleindienst that he had little affection for Mr. Ehrlichman.

The Senate Watergate hearings presented the real possibility of the Justice Department having to make further criminal investigations that would lead back to the White House. Accordingly, the President was the only one who could bring Mr. Kleindienst back in the family to protect the White House and this meeting was designed to do just that. As a result of Senator Baker's request that Kleindienst be his contact point, the President had a perfect vehicle to solicit Kleindienst's assistance during the hearings and, if anything should develop during the hearings, to not let all hell break loose in a subsequent investigation.

I have submitted to the committee a copy of the briefing paper I was requested to prepare.

[The document referred to was marked exhibit No. 34-36.*]

Mr. DEAN. I know that this document went to the President because just before the meeting was to occur, I realized that the President might not understand the reference to the fact that Kleindienst was considering one particularly attractive offer from a law firm that he was likely to accept. I called Haldeman to explain this, but Haldeman said the paper had gone in and the President would understand that this was a reference to Governor Connally's law firm because Governor Connally had discussed it with the President.

The President subsequently discussed this meeting with me in early March. He told me that he would continue to call Mr. Kleindienst from time to time, but I should also make certain that Kleindienst was working closely with Senator Baker in preparation for the Select Committee hearings.

As I mentioned earlier, I had also been informed that the President had made a decision that Magruder could not return to the White House. Magruder had been working at the inaugural committee and even before the inauguration he told me that he had called Mr. Higby requesting a meeting with Haldeman to discuss his future. After the inauguration, Magruder told me that he had to decide what he was going to do. Prior to that meeting I had informed Haldeman that Mr. O'Brien had had some discussions with Magruder and that Magruder had indicated that Haldeman and Colson were very much involved in the planning and approval of the Liddy operation.

*See p. 1247.

Note at the bottom: Have just learned that Baker has publicly announced the appointment of Fred Thompson as chief minority counsel. Timmons has recommended George Webster as our candidate.

Senator BAKER. Just out of curiosity, Mr. Dean, since this agenda was prepared at some length first, did you dictate it?

Mr. DEAN. I did, and again, this is based on the meeting that occurred at La Costa and the discussions I had with Mr. Haldeman and Ehrlichman.

Senator BAKER. Can you enlighten us; How much of this agenda was covered at such meeting?

Mr. DEAN. I only know what came out, was reported to me by the President and Mr. Haldeman that the thrust of the meeting really was your calling upon the President to—

Senator BAKER. To waive executive privilege?

Mr. DEAN [continuing]. To waive executive privilege is correct. And I also—the President told me that you agreed that the hearings should be over as soon as possible. If they lingered, it would be damaging.

Senator BAKER. It also is your information that there was not a suggestion as to minority counsel which had been announced on the same day.

Mr. DEAN. Had been announced, that is correct.

Senator BAKER. All right, go ahead, Mr. Dean.

Mr. DEAN. The next significant document leading up to my meetings that some of these things were discussed on the 27th and 28th was a request again by Mr. Haldeman.

Senator BAKER. Do you have an exhibit number?

Mr. DEAN. Yes, sir. This is exhibit No. 34-36. And I have a cover note on this. I hand-carried the other agenda over to Mr. Haldeman, whereas this one there was a little more time. He had asked me not to send it through normal channels, so there is a cover note on "Memorandum for H. R. Haldeman from John Dean. I did not use the prescribed format because I understand you do not want this to pass into channels."

TALKING POINT FOR MEETING WITH THE ATTORNEY GENERAL

Senator BAKER. I think we just talked out, Mr. Dean. I think that is another rollcall vote. Would the committee like to try to alternate, we are on 10-minute voting cycles, I do not think we can—

Senator TALMADGE. If the chairman desires, I have one or two very brief questions. I think I can complete them in about 5 minutes while you go vote, and when you return I will go vote.

Senator BAKER. Does that suit you, Mr. Dean?

Mr. DEAN. Whatever pleases the Chair.

Senator BAKER. Thank you.

Senator TALMADGE. Mr. Dean, you have been in the chair now for 4 days and I know how weary you must be, and I will be extremely brief. There are one or two things I would like some clarification on. You have testified repeatedly that even though you were counsel to the President, you had no direct access to the President except going through Mr. Haldeman and Mr. Ehrlichman; is that correct?

Mr. DASH. Yes, but you had not completed. I think Senator Talmadge, as he was leaving, I think the last words said was the person taking the blame was Chuck Colson and the followup question would have been, who was he taking the blame for?

Mr. DEAN. He was taking the blame for Mr. Haldeman who had authorized the ads. There is one other example that gets into an area I believe you indicated you were going to question me on, and that is based on information that I have directly from Mr. Krogh, that it appears to me that based on a conversation I had with Mr. Krogh that he is taking the blame for something.

Senator BAKER. Do you know who?

Mr. DEAN. I believe the President of the United States.

Senator BAKER. Maybe you ought to elaborate on that a little. [Laughter.]

Mr. DEAN. Well, it was on either the 28th or 29th of March that Mr. Krogh came to my office, he stopped by to express his sympathy for the adverse publicity I had received as a result of the Gray hearings and asked me how I was holding up and I said, "Fine, it is not very pleasant but my hands are tied and I can't speak." He said, he then began a discussion about how he had been haunted ever since he left the White House about his own experiences there, and then we got into a discussion of the fact that there was evidence within the files of the Department of Justice indicating leads that might let the investigators from this committee discover the fact of the Ellsberg burglary and we began discussing it. I asked him then if that had been authorized by Mr. Ehrlichman, and he told me—knowing Mr. Krogh pretty well and knowing Mr. Krogh had a similar level as myself and didn't, would not start something of that dimension without clearing it with someone, and he told me, no, that to his knowledge, Mr. Ehrlichman had not learned about it until after the fact and told me that his orders had come directly from the Oval Office, and I was somewhat surprised and so surprised I said, "You have got to be kidding," and he repeated again no, he said, they came from the Oval Office.

Senator BAKER. This was Mr. Krogh speaking?

Mr. DEAN. Yes, sir. And subsequently, of course, he has under a sworn statement said that he was totally responsible for the matter.

Senator BAKER. Mr. Dean, it is now a little after 4:30 and in deference to my colleagues, I am not going to try to finish with the list of questions and topics that I thought I outlined to you earlier. What I would like to do for about 10 minutes, almost 15 minutes, say, to 4:45 is to go once again to the narrow focus of what the President knew and when he knew it, relative to Watergate. So would you please move then to the next situation.

Mr. DEAN. Yes, sir.

Senator BAKER. That would shed any light on that.

Mr. DEAN. And that would be a document which was forwarded to the President that I was just referring to, as we ended our conversation, and it is exhibit No. 34-36,* for talking points for a meeting with the Attorney General. This was a request that I prepare this by Mr. Haldeman and send it not through normal channels for a meeting but rather directly to him because of the sensitivity of the documents.

*Exhibit 34-36 was printed in Book 3.

Background, Kleindienst is biding his time until he returns to private law practice. He has discussed joining several law firms and has a particularly attractive offer from one that he would probably like to accept. Kleindienst is less than enthusiastic about helping to solve some of the tough problems relating to the forthcoming Watergate hearings. He does not want to get himself involved in any controversy at this time. The morale of the Department of Justice is low because they are extremely loyal to Kleindienst but they think the White House is trying to force him out. Kleindienst is extremely loyal to the President and will do anything asked of him by the President.

Kleindienst should be asked to remain in office at least one full year from this date, that is until after the Watergate hearings have passed because the hearings may well result in a request for additional action by the Department of Justice. We can't afford bitterness at the Justice Department nor can we risk a new Attorney General being able to handle some of the potential problems. Kleindienst should be asked to follow the hearings closely and keep us apprised of any potential problems from a Department of Justice standpoint. Kleindienst should be given a feeling that he is an important member of the team and not merely because of these hearings is he being asked to stay on.

Senator BAKER. Of course, Mr. Kleindienst did not stay on; is that right?

Mr. DEAN. His resignation was accepted, I believe, on April 30.

Senator BAKER. Just out of curiosity, is it your personal knowledge that Mr. Kleindienst's resignation was not requested but rather was tendered by Mr. Kleindienst.

Mr. DEAN. That is my understanding.

Senator BAKER. Go ahead, sir.

Mr. DEAN. The first meeting that I had after these series of documents were exchanged and I got, I was told of the results of the meetings in the first instance by Mr. Haldeman, and subsequently by the President himself when I met with him, that meeting was on February 27 and it was at this meeting that the President asked me to report directly to him on all Watergate matters. There had been a great exchange of this type of memorandums back and forth into the President's office and out. He indicated to me at that time that this was consuming a great deal of time of Mr. Haldeman and Mr. Ehrlichman, and that at that time he also indicated to me that they were principals and he felt that I could be more objective in this matter.

We had, I think, a lengthy discussion about that this morning with one of the members of the panel. As I indicated, it was at this meeting that the President also repeated what had earlier been reported to me by Mr. Haldeman, about your meeting with the President, in which you had told the President that you suggested he waive executive privilege. He had told you that he was going to hold the line at written interrogatories, and he asked me that time what did I think about that, and I said I certainly thought that written interrogatories could be handled. He also discussed the fact that he didn't want Mr. Haldeman and Ehrlichman to appear on the Hill.

Senator BAKER. Incidentally, Mr. Dean, at that point, as we know, you are here without a claim of executive privilege. Mr. Haldeman, Mr. Dean—I mean Mr. Haldeman and Mr. Ehrlichman are under subpoena and it is our understanding that they will appear without a claim of executive privilege.

Can you identify the point at which this position at the White House was reversed and that those privileges indeed were waived?

Mr. DEAN. I believe it was probably in late April, I don't know for certain, maybe it was May, maybe it was June, the position was evolving.

1973 FEBRUARY 1973						
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Thursday, February 22

53%

A.M.	Terry O'Donnell	7:00 - 7:15	P.M.	1:00
	A. J. S.			1:15
	St. J. S.			1:30
	↓ then up to the man			1:45
				2:00
				2:15
				2:30
				2:45
	John Stedman's	Proprietary		3:00
	Office w/ John			3:15
				3:30
				3:45
				4:00
	M. Kissinger			4:15
	↓ ↓ ↓ ↓			4:30
		7:00 -		4:45
		Home		5:00
P.M.				5:15
	John Stedman			5:30
	McGraw-Hill			5:45
Evening				
				7:30
				7:45
				8:00
				8:15
				8:30
				8:45

* Clip For Current Day

Richard Kleindienst

-3-

101544

February 2, 1973

W

Swearing-In Ceremony for Cabinet and
Subcabinet -- Kleindienst attended

February 8, 1973

AM 8:00 9:51 Breakfast Meeting with Members of the
Cabinet -- Kleindienst attended

February 16, 1973

AM 9:39 9:44 Cabinet Meeting -- Kleindienst attended

March 1, 1973

AM 9:36 President received local call from Kleindienst
10:52 10:56 President placed local call to Kleindienst

March 9, 1973

AM 10:14 12:09PM Cabinet Meeting -- Kleindienst attended

March 22, 1973

PM 2:19 2:26 President placed local call to Kleindienst

March 23, 1973

PM 4:42 President placed long distance call to Kleindienst
4:59 5:12 President received long distance call from
Kleindienst

February 23, 1973

AM 10:08 10:52 President met with Kleindienst

W

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Mr. DORSEN. Yes.

Mr. KLEINDIENST. Without something else to prod my memory I have no recollection of that.

Mr. DORSEN. Well, I will read from page 5285 of Mr. Ehrlichman's testimony before this committee:

There came a time when there was a feeling that, at least on my part, based upon what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement and that culminated in a meeting with the Attorney General at the end of July, on July 21, where Magruder was specifically discussed, but just where in there I acquired information I can't tell you.

Mr. KLEINDIENST. I have no recollection of any such meeting. The only recollection I have of anybody ever saying anything to me about Mr. Magruder was Mr. Petersen's characterization to me after he appeared before the grand jury as a witness, that he said, Magruder just barely, you know, got by. As a result of our conversation, I gathered he meant by that that he didn't sound like a credible witness.

However, there was no other evidence available to the U.S. Attorney to contradict what he said and that is the only characterization of Mr. Magruder that I heard.

Incidentally, Mr. Dorsen, let me make another gratuitous statement, if I may, and that is about these three young lawyers in the U.S. Attorney's Office who conducted this investigation. To me those three, along with Mr. Petersen, are the unsung heroes of the Watergate case. I think a lot of people should be given a lot of credit, the Senate, the press, Judge Sirica, but there haven't been very many people around talking about these career people in my Department.

These three young men were career lawyers. I believe that they are all Democrats. They were there before we came in. They were given this assignment by the U.S. Attorney and they were never interfered with. Under very difficult circumstances, the obvious political notoriety of it, the problems with respect to the press, the interest of the Nation with respect to this terrible, reprehensible event that had occurred, imposed upon these young men a burden that few prosecutors, I think, have ever had. I had complete faith in them throughout this thing. I do today. And I hope someday that they will get the recognition that they really deserve for conducting a thorough, comprehensive investigation.

And let me conclude my gratuity by this remark, that this case, it seems to me, was ultimately broken not by Magruder and Mr. Dean going to the Senate, or the press, or the judge, but by going to the U.S. Attorney's Office in the District of Columbia, to Mr. Silbert, Mr. Glanzer, and Mr. Campbell, and giving them the information that really had unfolded this and brought us to the point where we are today.

Excuse the interruption but I wanted to make that testimony for some very fine men that I admire very much.

Mr. DORSEN. All right, Mr. Kleindienst.

I would like to move ahead to February 22, 1973, and to your meeting with the President on that day and ask you if you can summarize for the committee what occurred.

Mr. KLEINDIENST. February 22, 1973.

Mr. DORSEN. Correct.

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Mr. KLEINDIENST. Without something else to prod my memory, Mr. Dorsen, I haven't the slightest idea. Incidentally, for the benefit of the committee and counsel, throughout the time that I was in the Department of Justice I did not keep lengthy memos of my conversations. I didn't write memos to the file. I didn't write self-congratulatory memos back and forth. When I dealt with people at the White House and with the President of the United States I did it as a Cabinet officer, as the Attorney General, in good faith. I gave him my best opinions at the time and I did not keep copious memorandums for the benefit of my grandchildren 50 years from now or anybody else. Consequently, and I think you can see there as a result of my logs, that it would not be uncommon for me to have 50, 60, or 70 telephone calls or meetings in a day.

So, unless you have something else about February 22 to the President of the United States, I haven't the slightest idea what I did then.

Mr. DORSEN. I believe we raised it with you at one of the preparatory sessions and Mr. Dean testified about it as the meeting in which you were trying to be brought back into the family, where the agenda was prepared and I think efforts were made to have you stay on as Attorney General past the deadline which you had set for yourself.

Mr. KLEINDIENST. Well, I didn't know that I wasn't a member of the family. The President of the United States, incidentally, never gave that indication to me. I never had anything but the finest relationship with him. Again, for the record, the only instruction the President of the United States ever gave me at any time after Watergate was to see to it that the Department of Justice and the FBI conducted a thorough, complete, intensive investigation, and I think the phrase that he used several times is, let the chips fall where they will.

If that was the meeting, however, at which the President discussed with me my tenure in the Department of Justice, and I don't know if it was that date or not, I did have such a meeting because I recall the President asking me to come up to see him on rather short notice.

By way of preface, before the election I communicated to the President through Mr. Mitchell the fact that I would like to stay as the Attorney General until September 1973 which would be coterminous with the expiration of my term as President of the Federal Bar Association. My reason for doing so was one strictly of financial reasons. I will have three children in college this year. My service in the Government had depleted a rather modest estate. And I just could not afford to stay longer in the Government of the United States.

After the election, when I had meetings at Camp David, I went to Europe for 10 days and had meetings with respect to drug enforcement matters in London, Paris, Madrid, and Bonn. I was informed by Mr. Haldeman and Mr. Ehrlichman that my request had been acquiesced in and then I had a subsequent meeting with the President in which he likewise said that that would be fine.

At a meeting after the inauguration and before April 15, whether it was February 22 or not, Mr. Dorsen, the President called me in and he said, "Dick, I don't want you to think about leaving as the Attorney General in September." He said, "I understand your personal circumstances. It is going to be a hardship for you, but I have to have you stay until this Watergate situation is over." He said, "I just can't

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have a new Attorney General, confirmation and all the problems, and somebody coming in brandnew right now."

As I always have tried to do, I tried to respect the wishes of the President of the United States. I said, "I hope it is not going to be long after September. I won't be thinking of that date now. I want to get out of here as soon as I can, but I will agree with you that I will not submit my resignation in September."

Mr. DORSEN. I am going to pass by certain other events that occurred in this period, including any role you may have played in the confirmation hearings of Mr. Gray, your receipt of any records from the CIA, and discussions as to the role you were perhaps to play in connection with this committee, and direct your attention instead at this time to a conversation I believe you had with Mr. Ehrlichman on March 28, 1973.

Do you recall that conversation?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. May we have shown to the witness what purports to be a transcript of a conversation on March 28, 1973, between Mr. Kleindienst and Mr. Ehrlichman?

Mr. KLEINDIENST. Is that the one that Mr. Ehrlichman taped?

Mr. DORSEN. That is correct.

Mr. KLEINDIENST. Then I—I have had my memory vividly refreshed with respect to that conversation.

Mr. DORSEN. Did Mr. Ehrlichman, before that conversation started, tell you he was taping it?

Mr. KLEINDIENST. No, sir. And if he had, some of the words that I used and that appear in this exhibit would not have been said by me, Mr. Dorsen.

Mr. DORSEN. Well, in the interests of moving along I will not attempt to question you about the contents of that conversation but merely about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording these phone calls?

Mr. KLEINDIENST. I don't know. I learned of this as a result of these hearings. I don't think I have language, appropriate language in a public hearing of this kind, to describe the reaction that I had when I learned of this. I think it is reprehensible. I think it is incredible. The concept of somebody at the White House taping a telephone conversation with the Attorney General of the United States when he is talking to them about business that relates to the President of the United States is just beyond my comprehension. And like I say, I don't want to be subjective but I don't think I have at my command language that adequately expresses my feelings about this incident.

Mr. DORSEN. Does that document that I have shown you appear to be an accurate transcription of the conversation?

Mr. KLEINDIENST. I think so.

Mr. DORSEN. Mr. Chairman, may I request that the transcript be placed in evidence?

Mr. KLEINDIENST. I would like to have the opportunity for the benefit of two persons who used to be friends of mine. Senator Weicker and Judge Sirica, to explain some of the concepts that I had and why I used some of the language that I did as a result of my conversation with Mr. Ehrlichman.

DV

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1 office and that what he's been telling us -- saying to them --
2 implicates people high and low in the White House and the
3 Campaign Committee. Have a good time at the White House
4 Correspondents Dinner." Click. Down goes the phone. That's
5 all I ever knew about that.

6 Q Let me back track in time and then we'll pick up
7 again. We sort of got ahead of ourselves.

8 Sometime in February, late February of 1973, did
9 you have a conversation with President Nixon concerning the
10 Ervin Committee?

11 A Well, I remember talking to him on the telephone a
12 couple of times about that situation.

13 Q What do you recall?

14 A The general subject matter was that I think, because
15 of the request of Senator Baker, that I was to be the liaison
16 between the White House and the minority members of the Ervin
17 Committee with respect to their procedures. And the thing
18 that was troublesome to the White House, at that time, were
19 the terms and circumstances under which top people at the
20 White House, such as Haldeman and Ehrlichman and Dean, et
21 cetera, were going to be giving testimony to the Ervin Com-
22 mittee. That was the general subject matter.

23 Once, the President reported to me that somebody on
24 Baker's staff had complained to the White House that I wasn't
25 available to Senator Baker, and that got me upset because

46. Dean has testified that prior to February 27, 1973 that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973 the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.

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46.2	Memorandum of substance of Dean's calls and meetings with the President, February 27, 1973 and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95(received from SSC).....	605
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46.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN
DEAN, FEBRUARY 27, 1973

101530

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972

PM The President met to sign personal legal documents with:

12:45	1:11	The First Lady
12:49	1:09	John J. Ratchford
12:49	1:11	Mr. Butterfield
12:49	1:11	Mr. Haldeman
12:49	1:12	Mr. Ehrlichman
12:49	1:12	John W. Dean, III
12:49	1:12	John H. Alexander
12:49	1:12	Richard S. Ritzel

No other contact during August 1972

Source: White House
3/9/74

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46.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN
DEAN, FEBRUARY 27, 1973

September 15, 1972

101530

PM The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

WH

101530

January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)

✓ (Mr. Kissinger was present from 10:30 - 10:37.)
PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

WH

March 10, 1973

101530

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 4:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

84555

March 16, 1973

101530

AM 10:34 11:05 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:
Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01) 101530
✓ Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:
Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

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April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

3. MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

DR

September 15, 1972

Dean reported on IRS investigation of Larry O'Brien.
Dean reported on Watergate indictments.

[February 27, 1973

Discussed executive privilege, minority counsel
for Watergate Committee. Dean suggested White
House aides submit answers to interrogatories.

February 28, 1973

President inquired of Watergate, Dean said no White
House involvement, Stans was victim of circumstances,
Colson was lightning rod because of his reputation.
Discussed wiretappings which had been brought up
in the Gray hearings. Sullivan, Deputy Director,
was friend of Dean and Dean suggested they make
sure that wiretaps of prior years (other Administra-
tions) be made known.

March 1, 1973

Preparation for press conference -- go over question
and answer book. Was decided the question would
come up as to why Dean was sitting in on FBI inter-
views and that the reason was he was conducting an
investigation for the President. President asked
Dean to write a report. Dean was also critical of
Gray.

(March 2 press conference)

March 6, 1973

Discussed executive privilege guidelines, decided
to cover former White House personnel as well as
present.

March 7, 1973

Again discussion executive privilege guidelines.
Dean again told the President the White House was
clear. The President inquired as to how Pat Gray
was doing. Dean informed him E.B. Williams had
dropped out of the civil case.

DR

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EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

v.

RICHARD M. NIXON,
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D.C.

Defendant

)
)
)
)
)
)
) Civil
) Action
) No. _____
)
)
)
)
)
)

AFFIDAVIT OF FRED D. THOMPSON

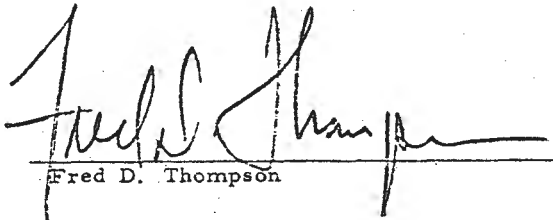
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

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2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before me, this <u>9TH</u> day of <u>August</u> 1973
 Notary Public, D.C.
My Commission Expires <u>14 May</u> , 1978

ance from Haldeman that if he made it through the Senate hearings, as he had the grand jury and trial, that he could have a better job later.

Haldeman said that he could not make a firm promise, but that he would do all he personally could do to assist. This was good enough for Magruder. Haldeman said that Mr. Jones would be told to proceed with Secretary Dent to get the position at the Commerce Department finalized.

On March 5, I received a call from Secretary Dent regarding his hiring Magruder. I did not want to tell Secretary Dent that Magruder was totally free from future problems so I was evasive with him. I hinted that Magruder might have some problems. Because I regretted misleading him, I prepared a memorandum for my files—something I seldom do—because I felt Magruder was, in fact, going to have problems. In fact, I thought everyone was going to have problems. I have submitted a copy of this memorandum reflecting this conversation with Secretary Dent to the committee.

[The document referred to was marked exhibit No. 34-38.*]

Mr. DEAN. I would now like to turn to the meetings I had with the President in February and March of this year.

I have described to the committee several matters that followed the La Costa meeting which directly involved Presidential decisionmaking and Presidential involvement. I would now like to turn to my direct dealings with the President which began in late February of 1973 with regard to the Watergate and related matters. I feel I can best set forth what transpired at these meetings by discussing what occurred at each meeting.

MEETING OF FEBRUARY 27

This was the first meeting I had had with the President since my September 15, 1972, meeting which related to the Watergate. It was at this meeting that the President directed that I report directly to him regarding all Watergate matters. He told me that this matter was taking too much time from Haldeman's and Ehrlichman's normal duties and he also told me that they were principals in the matter, and I, therefore, could be more objective than they. The President then told me of his meetings with Senator Baker and the Attorney General. He told me that Senator Baker had requested that the Attorney General be his contact point and that I should keep in contact with the Attorney General to make sure that the Attorney General and Senator Baker were working together. He asked me to follow up immediately to determine if the Attorney General and Baker had met. I informed him that I had earlier discussed this with the Attorney General and the Attorney General was planning to meet with Senator Baker and Senator Ervin to discuss turning over FBI data regarding the Watergate investigation.

A brief discussion followed in which the President recounted, what had already been reported to me by Haldeman, that he had told Senator Baker that he would not permit White House staff to appear before the Select Committee, rather he would only permit the taking of written interrogatories. He asked me if I agreed with this and I said that written interrogatories were something that could be handled

*See p. 1251.

whereas appearances might create serious problems. He told me he would never let Haldeman and Ehrlichman go to the Hill. He also told me that Senator Gurney would be very friendly to the White House and that it would not be necessary to contact him because the President said Senator Gurney would know what to do on his own. On the way out of his office he told me I had done an excellent job of dealing with this matter during the campaign; that it had been the only issue that McGovern had had and the Democrats had tried to make something out of it but to no avail. I told him as we were walking together out of the office that I had only managed to contain the matter during the campaign, but I was not sure it could be contained indefinitely. He then told me that we would have had to fight back and he was confident that I could do the job.

MEETING OF FEBRUARY 28

I had received word before I arrived at my office that the President wanted to see me. He asked me if I had talked to the Attorney General regarding Senator Baker.

I told him that the Attorney General was seeking to meet with both Senator Ervin and Senator Baker, but that a meeting date had not yet been firmed up. I told him that I knew it was the Attorney General's wish to turn over the FBI investigation and the President said that he did not think we should, but asked me what I thought of the idea. I told him that I did not think that there was much damaging information in the FBI investigation, although there could be some bad public relations from it. He told me to think about this matter. He also said that he had read in the morning paper about the Vesco case and asked me what part, if any, his brother Ed had had in the matter. I told him what I knew of his brother's involvement, which was that he was an innocent agent in the contribution transaction. We then discussed the leak to Time magazine of the fact that the White House had placed wiretaps on newsmen and White House staff people. The President asked me if I knew how this had leaked. I told him that I did not; that I knew several people were aware of it, but I did not know any who had leaked it. He asked me who knew about it. I told him that Mr. Sullivan had told me that he thought that Director Hoover had told somebody about it shortly after it happened because Hoover was against it and that Sullivan said that he had heard that this information had gone to Governor Rockefeller and in turn had come back from Governor Rockefeller to Dr. Kissinger. We then talked about the executive privilege statement and the President expressed his desire to get the statement out well in advance of the Watergate hearings so that it did not appear to be in response to the Watergate hearings. We also discussed Mr. Mollenhoff's interest in the Fitzgerald case, and he asked me to look into the matter for Mr. Mollenhoff.

Before departing his office, he again raised the matter that I should report directly to him and not through Haldeman and Ehrlichman. I told him that I thought he should know that I was also involved in the post-June 17 activities regarding Watergate. I briefly described to him why I thought I had legal problems, in that I had been a conduit for many of the decisions that were made and, therefore, could be

1 fact that Mr. Magruder had leaned pretty heavily on Mr. Sizoo
2 to alter his testimony.

3 Q Did there -- strike that. In your conversation
4 with Mr. Haldeman, following the meeting Mr. Haldeman had
5 with the President, what did Mr. Haldeman say?

6 A He told me that Mr. Magruder could not come back
7 to the White House. He told me Magruder had wanted to work,
8 in some capacity, on the White House staff, while assisting
9 in the Bicentennial, and that this was just not possible.
10 The President didn't want him back in the White House.

11 Q Did he indicate that the President had made a de-
12 cision, however, about giving Mr. Magruder some sort of a job?

13 A Well, I frankly don't recall in how much detail Mr.
14 Haldeman discussed that with me. I know that there was very
15 definitely a desire to get Mr. Magruder a job after that de-
16 cision was made, and I think I would be inferring rather than
17 have direct knowledge.

18 Q Now, did there come a time, on February 27th, when
19 you met with the President?

20 A Yes, I did.

21 Q Prior thereto, did you have a conversation with Mr.
22 Ehrlichman in which the subject of Executive Privilege was
23 discussed?

24 A Yes, I did.

25 Q Would you give us the substance of that conversation?

1 A The conversation emanated from the likelihood of
2 a rather vigorous set of hearings on the Watergate being
3 pursued by the Senate and I told Mr. Ehrlichman that there
4 was a good possibility that I could be called, as a lot of
5 people could be called, to appear before the Senate, and there
6 was no way in the world, I thought, that Executive Privilege
7 could be invoked.

8 I had never, in fact, discussed this matter with
9 the President or had any dealings with him directly on it
10 because I felt that if it really came to a battle on Executive
11 Privilege, it would require direct conversation with the
12 President to be protected.

13 Q Thereafter, you were called by the President to
14 meet with you?

15 A Yes, I was.

16 Q To meet with him, rather. And that occurred on the
17 27th of February, is that correct?

18 A That is correct.

19 Q Now, do you recall what was said, in substance,
20 during that meeting about to whom you ought to report?

21 A The President told me I should report to him directly
22 on matters relating to the Watergate.

23 Q Did he mention anything about Mr. Haldeman and Mr.
24 Ehrlichman in this regard?

25 A Yes, he did. He told me that they were principals --

ELIZABETH ANN TIPTON
11225 Dewey Court
Kensington, Maryland 20795
(301) 946-4436

DV

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Senator GURNEY. Well, that could be understandable. How about Kalmbach; Kalmbach was your very good friend, was he not?

Mr. EHRLICHMAN. Yes; but he was also very knowledgeable in this case and he had been one of the people that I had interviewed to try to get information for the President on the money end of this thing, and so I considered him to be a witness, if you please, in the inquiry.

Senator GURNEY. Of course, Kalmbach's reaction, as I am sure you know, was total shock at this recording.

Mr. EHRLICHMAN. I understand, and I regret very much but I had an assignment from the President that I felt I had to carry out. As a matter of fact, I did some checking on Mr. Haldeman, who is also my very good friend. I did that because I felt I had to bring to the President whatever information was available in the higher interest.

Senator GURNEY. Are you saying now this is during the period of time that the President had reassigned the business of Watergate to you and from Mr. Dean; is that correct?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. Going back to that, that assignment of investigation of the Watergate to Dean, and now I am not talking about June-July, I am talking about February of this year; as a matter of fact, I think Dean talked to the President on February 27.

Mr. EHRLICHMAN. That is right.

Senator GURNEY. And in that conversation with the President, the President assigned the investigation of Watergate, at least that current phase of it, to Dean. As I recall, he said that he wanted Dean to report directly to him. He also said that it was taking up too much of your time and also Haldeman's time. Was that ever discussed with you or with Haldeman, the President's decision to have Dean now become the chief investigator of Watergate, February 27?

Mr. EHRLICHMAN. Yes, Senator, except chief investigator, I think, is slightly off the track. The preoccupation at that time, as far as the President was concerned, was not in an investigation of the facts as nearly as it was to get some one person in the White House who was going to look after a number of existing problems with relation to this whole subject matter and they were primarily the problems of executive privilege and separation of powers as he saw it then, not a question of who done it.

So rather soon after this meeting we had at La Costa which was, incidentally, the meeting was the result of the President saying, "Who is in charge and what plans are being made and how is the work coming?"

Senator GURNEY. And this came at about the time this committee was created; is that right?

Mr. EHRLICHMAN. That is right; yes, sir.

Senator GURNEY. Concern about what to do about the investigation of the committee, how to respond to it?

Mr. EHRLICHMAN. Yes, sir; that was certainly part of it.

Senator GURNEY. Go on.

Mr. EHRLICHMAN. Coming out of that session, as a result of our report back to him that the work was largely undone, that a tremendous amount of work was left to be done in terms of developing the administration's position on executive privilege and attorney-client

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privilege and marshaling all of the files that had to be marshaled and all the rest, that he said, "Well, I want Dean to take charge of this. I want you fellows to get out of it." He said to me, "I have got something else I want you to do and I want you to press on it," so I started off on an entirely different project that had to do with legislation, and from about the third week in February the understanding was that I was out of it. Bob Haldeman was basically out of it and Dean was the leadman in the White House on this whole subject of privilege, the committee, the grand jury, and all of the collateral questions that were associated with this.

Senator GURNEY. Did Dean make any reports to you after that or only to the President?

Mr. EHRLICHMAN. I saw very little of Mr. Dean in those months and quite a few weeks went by when I didn't see him at all, or for that matter really talk to him very much. Let's see, in the month of February, after the President made that assignment I didn't see him at all. The month of March I didn't see him at all for the first 20 days and then I saw him in connection with the Hunt blackmail twice on the 20th and on the 21st but that was the only subject that was discussed and then, of course, there was the meeting on the 22d with Mr. Dean and Mr. Mitchell, and then the President, and then from then on I had virtually no contact with Mr. Dean except one meeting with—in Mr. Haldeman's company the day we got back from San Clemente, of April 8, once on April 10, and then this meeting of April 13 for which the notes exist that are in Senator Inouye's hands.

Senator GURNEY. Just one further question on that. Was there ever any suspicion in your mind that the President appointed Dean to sort of be in charge of Watergate on February 27 because he might have had some suspicion that maybe you were involved or Haldeman was involved or somebody else in the White House was involved?

Mr. EHRLICHMAN. Well, what the President explained to me was that the central question here was one of executive privilege and the availability of Presidential assistance to testify before the Congress. You will recall this had come up in the setting of Peter Flanigan and coming before the, what the—

Senator GURNEY. Judiciary Committee.

Mr. EHRLICHMAN. Judiciary Committee.

Senator GURNEY. Kleindienst.

Mr. EHRLICHMAN. And through my notes of meetings with the President, there are three or four references to the President's strong concern that Haldeman and I were test cases, so to speak, of the availability of Presidential assistants to testify before the Congress, and I know there were some questions about his reference to us as principals. I think you have to take it in that setting. We were principals on the question of the availability of assistants to testify.

Now, the precedents that might be set by our testifying he was concerned, would in turn, open up Henry Kissinger's testifying and the whole panoply, so to speak, of Presidential assistants and very soon you would have a breakdown of the White House staff system because everybody would be up here testifying like Cabinet Secretaries do every day and couldn't get any work done.

the opportunity to reenter Government at a suitably high level and, second, to provide him with the opportunity in a very short period of time to appear publicly and under questioning, to clear up all charges regarding his role in the Watergate, if any, and to give him a chance to, as he requested of this committee, get back his good name. Third, a question of whether Magruder could have a White House job. At that time I had already told Magruder that that would not be possible, but I think, the point here was to check that decision with the President to be sure he concurred. Fourth, the question of Buchanan sitting in on the hearings as a watch dog of the press—an idea that Dean says I suggested, although it is my recollection he suggested it at the La Costa meeting. In any event, this was certainly not a coverup move, but exactly the opposite. Fifth, the question of the Attorney General meeting with the President. That, too, was a logical step because we were into the matters of executive privilege and the question of White House staff members going to the hearings was important for the President to discuss with the Attorney General. As it concurrently or shortly thereafter developed, Senator Baker requested that Mr. Kleindienst be his contact with the administration.

In the latter part of February, as the questions of executive privilege and other matters dealing with the Senate Watergate inquiry intensified, the President saw that this was involving a substantial amount of time of a number of people in the White House and particularly seemed to be involving Ehrlichman and me in more expenditure of time than the President felt was productive. Consequently, he met with John Dean at the end of February regarding the matters of executive privilege, the Senate hearings, and so forth, and he gave instructions to me and I am sure to others, that all Watergate matters were to be handled by Dean at the White House and by Kleindienst at the Justice Department and that no one else was to devote time to the subject and that no one else was to get into the matter with the President. He was trying to avoid everyone getting into the act, wasting time, and diverting attention—which is a real danger when a highly publicized and volatile matter such as this comes up.

This decision of the President's led to the series of meetings that he had with Mr. Dean starting February 27 and running through March 21, meetings that were primarily concerned, at the outset, I believe, with executive privilege matters. That continued to be a major point, but as that 3-week period went on, the President's concern did grow regarding conflicting Watergate stories and, from what he indicated to me, he was intensifying pressure on Dean to find out a way to get the full story out. Dean at this point was clearly in charge of any matters relating to the Watergate. He was meeting frequently with the President and he still indicated that he was positive there was no White House involvement. During this time, the Gray hearings also became a matter of focus and the executive privilege question arose in connection with them, too. I have the feeling that during this period the President was gradually getting more of a feel of the possibility that there might be some problems involved in the Watergate matter that he had not even dreamed of and that that led to the meeting of March 21, in which John Dean was going to give the President the full story.

47. On February 28, 1973 the President met with John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

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Executive privilege, written interrogatories and forthcoming hearings of Senate Select Committee	1-8, 18-21, 29-30, 33-35, 65-67
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White House position with respect to Watergate trial and appeals	57-58
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TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING BETWEEN
THE PRESIDENT AND JOHN DEAN
ON
FEBRUARY 28, 1973, FROM 9:12 TO 10:23 A.M.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING BETWEEN THE PRESIDENT AND
JOHN DEAN ON FEBRUARY 28, 1973, FROM 9:12 TO
10:23 A.M.

DEAN: Good morning, sir.

PRESIDENT: Oh, hi.

DEAN: How are you?

PRESIDENT: Oh, I wanted to, uh, to speak with you about, uh, what,
uh, kind of a line to test. Now, I want Kleindienst --
this is not a question of trust. You have,

DEAN: [Clears throat]

PRESIDENT: you have it clearly understood that you will call him and
give him directions and that he will call you, and so
forth and so on. I just don't want Dick to go,

DEAN: No, I think --

PRESIDENT: go off -- you see, for example, on executive privilege --
I don't want him to go off and get the damn thing, uh, uh
-- get us --

DEAN: Make any deals on this thing --

PRESIDENT: Well, to make a deal -- that's the point.

DEAN: Yeah.

PRESIDENT: That Baker, uh, as I said, was, uh, he was [unintelligible] you know, this and that and the other thing, and, and you've got to be very firm with these guys or you may not end up with anything. No, as I said, the only back-up position I can possibly see is one of a, uh, is Kleindienst wants to back [unintelligible] didn't want to but suggested we ought to back them heavily, send them up there in, in executive session. Well, now you haul them up there in executive session, we still got the problem of a, uh, of, uh, well, I feel that the [unintelligible] I, I'm thinking of that because it'll go [unintelligible] without any question

DEAN: Sure.

PRESIDENT: at that point, and that's going to be far more significant. This crap bothers us at the moment, but that's far more significant. And they'll haul him up there and bully-rag him around the damn place and it'll raise holy hell within our or his relations with Rogers and all the other people.

[Secretary enters.]

PRESIDENT: Yeah. Oh, uh, oh, I've sent some notes out, uh, -- I guess there's, uh, a couple of yellow pages -- something

that I was, uh, from that file on the teachers' thing
that I'm not doing today.

SECRETARY: Yes, sir.

PRESIDENT: Get the yellow pages [unintelligible]. Might save money
for the government.

SECRETARY: All right, sir.

PRESIDENT: Just send it back to me please.

[Secretary leaves.]

PRESIDENT: So you see, uh, I think you better have a good, hard
face-to-face talk with him and say, "Look, we've thought
this thing over," and, and, uh, you raise the point with
him: it cannot be executive session because, you know,
he's likely to float it out there and they'll grab him.

DEAN: That's right, and as I mentioned yesterday, he is meeting
with Sam Ervin and Baker in this joint session and that
probably is one of the first things that, uh --

PRESIDENT: Yeah.

DEAN: That they're --

PRESIDENT: That's the only thing they'll be there to discuss.

DEAN: It'll be --

PRESIDENT: The main thing

DEAN: That's right.

PRESIDENT: they'll be there to discuss -- not only -- the only -- but the main thing Ervin is going to be, "Now what about executive privilege?" Now, he hasn't had that meeting set yet, though, has he?

DEAN: No, it's not. So there's ample time to have Dick go up, uh --

PRESIDENT: Well, you, uh, you, have a talk with him and say we talked about this and this is where we stand and this is where he is. Now your position, I mean, uh, of course, I know our position is written interrogatories, which they will never probably accept, but it may give us a position, I mean it'd be reasonable in the public mind.

DEAN: Correct.

PRESIDENT: That's what you have in mind.

DEAN: Right.

PRESIDENT: Now, the other possibility is, uh, is the one that, uh,

Ehr --, Ehrlichman, I think suggested it. You could have, uh, uh, agree that, uh, the ranking, uh, the Chairman and the ranking member could, uh, question under basically the same -- under very restricted -- uh, a little bit early [unintelligible] for that.

DEAN: You mean, coming down here, say?

PRESIDENT: Basically,

DEAN: That's a --

PRESIDENT: that is the thinking.

DEAN: I think, I think that's a, uh, a sort of "if" we couldn't get inter--, written interrogatories. That's still a, a, a serious precedent to deal with, though, if they come down here and, uh, uh,

PRESIDENT: Yeah.

DEAN: start questioning people. I think the issues would have to be so narrowed for even that situation.

PRESIDENT: Yeah.

DEAN: And that's what'll evolve with the

PRESIDENT: Right.

DEAN: narrowing of the issues to where what information, say, a, a Haldeman might have or an Ehrlichman might have

PRESIDENT: Yeah.

DEAN: that the Committee needs to be complete in its report or its investigation.

PRESIDENT: Yeah. We will say that you will then, you will [unintelligible] to written interrogatories under oath, than an-, answer questions.

DEAN: That's -- publicly, you, you're not withholding any information and you're not using the shield of the Presidency.

PRESIDENT: So, as I say, [clears throat] when you talk to Kleindienst -- because I have raised this in previous things with him on the Hiss case -- he got, he'd forgotten, and I said, "Well go back and read the first chapter of Six Crises. Tells all about it." But I know very -- as I said, I mean, that was espionage against the nation, not against the party. FBI, Hoover, himself, who was a friend of mine,

DEAN: Uh huh.

PRESIDENT: even then, said "I'm sorry. I have been ordered not to cooperate." And they didn't give us one God damned thing.

I conducted that investigation with two stupid little committee investigators -- they weren't that stupid -- they were tenacious. One had been fired by the FBI; he was a good, decent fellow, but he was a drunk.

DEAN: Uh huh.

PRESIDENT: And, uh, we got it done. But we broke that thing

DEAN: Against a wall --

PRESIDENT: without any help. The FBI then got the evidence which eventually -- See, we got Piper, who -- We got the, the, the, oh, the Pumpkin Papers, for instance. We, we got all of that ourselves.

DEAN: Well, you know, I --

PRESIDENT: The FBI did not cooperate. The Justice Department did not cooperate. The Administration would not answer questions except, of course, for Cabinet officers, I mean, like, uh, who's the, who -- Burling came down and some of the others [unintelligible]

DEAN: Funny, when the shoe is on the other foot, how they look at things, isn't it?

PRESIDENT: They did -- Well, and, as I said, the New York Times, the

Washington Post and all the rest, said the Administration has an absolute right -- They then

DEAN: [Clears throat]

PRESIDENT: put it, they put it in terms of executive privilege. They were just against the investigation. So the real question there is that now, now you could say that I, having been through that -- we have talked it over, and that I feel that, uh, I think that was -- I have always felt very miffed about that, felt that was wrong, it was espionage against the nation. Now this is another matter. But I think that we ought to cooperate, and I'm trying to find an area of cooperation. Here it is: written interrogatories. All right. You see, the Er--, the, the Baker theory is that he wants to have a big slambang thing for a week and then he thinks interest in the whole thing'll fall off. And he's right about that. And he even -- But his point of having the big slambang thing for a week is to bring all the big shots up right away. But the big shots you could bring up -- you, you could bring up Stans. They've got to put him on, and they've got to put Mitchell on. But he'd like to get, of course, Haldeman, Ehrlichman, and Colson.

DEAN: I understand that, uh, Bob and you have talked about

running Stans out as sort of a stalking horse on an--,
on another post.

PRESIDENT: Well, it's not my idea. It's, uh, I guess Moore or somebody mentioned it.

DEAN: I, I think it was my idea, as a matter of fact, and I think it could defuse, could be one defusing factor in the hearings. Uh, Stans would like to get his side of the story out. He is not in any serious problem ultimately. It could be rough and tumble, but Maury is ready to take it and, uh, it would be a mini-hearing, no doubt about it. But this further detracts from, uh, the other Committee.

PRESIDENT: It would be a mini-hearing, it's true. Except knowing the press -- I'm trying to think out loud a minute -- knowing that they, uh, you know, they have, like they have taken [clears throat] -- they sold several of these stories on Colson and Haldeman about four times.

DEAN: Oh, I know that.

PRESIDENT: Now, that they can -- I just wonder if, if that doesn't do that? I don't know [clears throat]. Take Stans, they'll get him up by the seat; somebody's after him about the Vesco contri- [clears throat] -bution. As I read

the, first read the story briefly in the [Dean clears throat] Post. And, I read, naturally, the first page and I turned to the Times read it. The Times had in the second paragraph that the money had been refer --, returned.

DEAN: That is correct.

PRESIDENT: The Post didn't have it until after you continued to the next, to the next section.

DEAN: That's right.

PRESIDENT: The God dammedest thing I ever saw.

DEAN: Typical.

PRESIDENT: [Coughs] My guess is that as far as that transaction's concerned, that it was after, that he got the money after the tenth, but I don't think they pointed out that Sears got it before.

DEAN: Well it was con--

PRESIDENT: [Unintelligible]

DEAN: Well, for all purposes, the, the, uh, the donor --

PRESIDENT: Because I'm sure,

DEAN: Vesco --

PRESIDENT: I'm sure that Stans would never do a thing like that.

DEAN: Now, uh --

PRESIDENT: Never. Never. Never.

DEAN: Uh, I think we have a good strong case that the donor had relinquished control over the money, and constructive possession of the money was in the hands of the

PRESIDENT: Harry Sears.

DEAN: finance committee, and Sears and, uh, and the like. So that there is no, uh --

PRESIDENT: How did they get my brother in it? Eddie?

DEAN: I'll tell you, you talk of the, that was -- that was sheer sandbagging of, of your brother. Here is what they did. They called him down here in Washington.

PRESIDENT: Who did?

DEAN: Uh, it's, uh, let's see,

PRESIDENT: Sears?

DEAN: it was Vesco; it was Vesco and Sears, and said that, "We want to talk to you about the nature of this transaction

because we have had some earlier conversations with

PRESIDENT: Yeah.

DEAN: uh, Stans." He really wasn't privy to it,

PRESIDENT: Yeah, I know.

DEAN: and didn't know much about it; said, "Sure, I'll come up."
And what the, the long and short of it was, they were
asking him to find out from Stans whether they wanted cash
or check. Stans just responded to your brother and said,
uh, "I don't really care -- whatever they want to do," and
that's what he relayed back and it's, uh -- He wasn't, he, he
didn't even understand why he was there.

PRESIDENT: Sure. [Unintelligible]

DEAN: So, uh, and he's clean as a whistle. There's just no --

PRESIDENT: Oh, I know that. I know that.

DEAN: Just no problem at all.

PRESIDENT: He doesn't know anything about the money side.
So you'd sort of lean to having Stans go stalking out
there.

DEAN: I think it'd have -- I think it would take a lot of the
teeth out of the -- you know -- the stardom of the people

they'll try to build up to. If Stans had already gone through a hearing in another committee, obviously they'll use everything they have at that time and it won't be a hell of a lot. Uh, it confuses the public. The public is bored with this thing already.

PRESIDENT: Yeah.

DEAN: One of the s--, one of the things I think we did succeed in before the election --

PRESIDENT: Stans is very clean. What I mean is, let's face it, on this thing, the way I analyze it, and I have stayed deliberately away from it, but I think I can sense what it is. The way I analyze the thing, Stans would have been horrified at any such thing. And, uh, and, uh, what had happened, what happened was that he, he honestly is outraged. He thinks that what happened is that these pipsqueaks down the line took in some of his hard earned cash and got into silly business with it.

DEAN: That's right. He --

PRESIDENT: Isn't that what he really thinks?

DEAN: He, he does and he is a victim of circumstances, of innuendo, of false charges. Uh, he has a darn good chance of winning that libel suit he's got against Larry O'Brien.

PRESIDENT: Has he?

DEAN: He's -- that's right.

PRESIDENT: Good. That's why Larry filed a countersuit.

DEAN: That's right.

PRESIDENT: I see Ziegler was disturbed at the news that they subpoenaed newsmen. Did it disturb you?

DEAN: It didn't disturb me at all. No, sir. I, I talked to Ron at some length about it the other night,

PRESIDENT: Yeah.

DEAN: and I said, "Ron, if it -- first of all you can be -- rest assured that the White House was not

PRESIDENT: [Unintelligible]

DEAN: involved in that decision." It's not a criminal case, no, it's a --

PRESIDENT: It doesn't involve prosecution.

DEAN: No, it's a civil deposition and, uh, uh, it's not if -- we haven't reached the newsman's privilege issue yet, and that's way down the road, if for some reason they refuse to testify on some given evidence. What they are trying to establish is the fact that, uh, Edward, Edward Bennett Williams' law

firm passed out an amended complaint that libeled Stans before it was into the Court process, so it was not privileged. And the newsmen are the people who can answer that question. Also, they are trying to find out how Larry O'Brien and Edward Bennett Williams made statements to the effect that this law suit was not really to -- the first law suit they had brought against the Committee -- was not really to establish any invasion of privacy, but rather they were harassing the, uh, uh, the Committee.

PRESIDENT: They've made the [unintelligible]?

DEAN: They made this off the record to several newsmen and we know they did this. That this was a drummed up law suit.

PRESIDENT: So therefore that proves, uh, also malice, doesn't it?

DEAN: It, uh, it makes the abuse of process s--, uh, case that we have against them on a countersuit. And the lawyers made a very conscious and good decision that -- to proceed with the suit, they were going to have to have this information and it doesn't bother me that, uh, they subpoenaed nine or ten --

PRESIDENT: Well, one hell of a lot of people don't give one God damn about this issue of suppression of the press, and so forth.

We know that we aren't trying to do it, when they can all squeal about it. It's amusing to me when they say -- somebody says, "I watched the networks and they weren't -- and I thought they were restrained." What the Christ do they want them to do -- to go through the '68 syndrome, when they were eight to one against us? They were only three to one this, this time on the -- according to the average. You know, it's really, really, really sickening, you know, to see

DEAN: Right.

PRESIDENT: these guys that always, they always figured, "Well, we have the press on our side." Then when we, uh, we, we receive a modest amount of support --

DEAN: That's right.

PRESIDENT: Colson, sure, making them move it around, saying [unintelligible] we don't like this or that but, uh, it didn't affect them.

DEAN: Well, you know Colson's threat of a law suit that was, was printed in Evans and Novak had a very sobering effect on several of the national magazines. They are now checking before they print a lot of this Watergate junk they print, with the press office trying to get a confirmation, denial, comment or calling the individual that's involved. And they have said as much as they are doing it because they

are afraid someone is going to bring a libel suit on them. So it did have a sobering effect. It will keep them, maybe, honest if we can, uh, remind them that they can't print anything, I mean, uh --

PRESIDENT: Well, you of course know, that I said at the time of the Hills case -- Well, it is God damned near impossible for a public figure to win a libel case anymore.

DEAN: Yes sir. It is. To establish (1) malice, or reckless disregard of -- no they're both very difficult.

PRESIDENT: [Sneezes] Yeah. Well, malice is impossible, virtually. This guy up there, "Who, me?" Reckless disregard, you can, maybe.

DEAN: Tough. That's a bad decision, Mr. President. It really is. It was a bad decision.

PRESIDENT: [Unintelligible]. What the hell happened. What's the name of that -- I don't remember the case, but it was a horrible decision.

DEAN: New York Times versus Sullivan.

PRESIDENT: [Unintelligible] Sullivan case.

DEAN: [Unintelligible] and it came out of, uh, out of the South on a civil rights --

PRESIDENT: Selma. It was talking about some, some guy that was -- yeah, he was a police chief or something. Anyway, I remember reading it at the time when -- that's when we were suing Life you know, for the Hills. When Life was guilty as hell.

DEAN: Did they win it?

PRESIDENT: Supreme Court -- four to three. There were a couple of people who couldn't, uh -- no, five, five to four -- five to three and a half.

DEAN: [Laughs]

PRESIDENT: Basically, the, uh -- Well, this goes back to executive privilege [unintelligible]. Uh, we must, uh, we must, must go forward on that. Just so you understand, I think you'd better go over and get in touch with Dick, and say: you keep it at your level; don't say the President told you to say so. Well, I guess it's going to be me in the end, but I, I'd say, "This is the position, Dick, you should take." Period. Let's let him get out there and take it. But I want them to think they can appeal to me. You can tell him that I took that position with Baker. But he -- Baker's a smoothy -- impressive -- "Oh, the President didn't say this or that," he said, "we just think he'll tell them this."

DEAN: [Laughs]

PRESIDENT: Then he'd say, "All right, they have studied it, they have recommended it and the President has approved it." Right?

DEAN: Now how about --

PRESIDENT: Is that what you want to say?

DEAN: Yes sir, I, I, I think that's absolutely on all fours. And, uh, how about our dealings with Baker? Under normal Congressional relations, uh, vis-a-vis Timmons and Baker, should we have Timmons making, uh, dealing with one of the --

PRESIDENT: Well, he, he objected to, uh, I mean, something, now that's a curious thing on that -- it's hard to know whether this would be a very big gaff by calling him, urging and trying to influence who would be on his staff. But Jesus Christ, uh, I don't know why he did blow, he did that, if he did. I don't -- But if he did, I don't know why Baker would resent it. But, nevertheless, he --

DEAN: [Clears throat]

[In background: "Thanks, Virginia."]

PRESIDENT: I don't know how to deal with him, frankly. Don't you ask [unintelligible] I gathered the impression that

Baker didn't want to talk to anybody but Kleindienst.

DEAN: Okay, I think that's one we'll just have to monitor and that's one we'll have

PRESIDENT: Fine.

DEAN: to know an awful lot about if something comes down the road.

PRESIDENT: Well, let's just let Timmons tell Baker that if he wants to talk to, if he wants to get anybody at the White House, that I don't want him to talk to Timmons. Of course Timmons is a party in interest here, too. I don't want him to

DEAN: That's right.

PRESIDENT: talk to Haldeman; I don't want him to talk to Ehrlichman, that you're the man -- and that you're available. But leave it that way: that you're available to talk to him, but not for everything. But, nobody else. How does that sound to you?

DEAN: I think that sounds good.

PRESIDENT: You tell Timmons that he sees him privately and says that's it. We are not pressing him. We don't care,

we're not -- because Baker -- [sighs]. The woods are full of weak men.

DEAN: I would suspect if we're going to get any insight into what that -- that Special Committee is going to do, it's going to be through the Gurneys -- I don't know about Weicker, uh, where he's

PRESIDENT: Weicker's a --

DEAN: going to fall out on this thing.

PRESIDENT: Well, he'll, he'll, he'll be --

DEAN: Whatever's up --

PRESIDENT: I think Weicker, the line to Weicker is Gray. Now, Gray has got to shape up here and, and, uh, handle himself well, too. Do you think he will?

DEAN: I do. I think Pat is, uh, think Pat is tough. He goes up this morning, as you know. Uh, he is, uh, he is ready. He is very comfortable in all of the decisions he has made, and, uh, I think he'll be good.

PRESIDENT: But he's close to Weicker -- that's what I meant.

DEAN: Yes, he is.

PRESIDENT: And, uh, so, uh, Gray, Gray --

DEAN: As a vehicle -- yes.

PRESIDENT: One rather amusing thing about the Gray thing is that I, I -- and I knew this would come -- they constantly say that Gray is a political crony of, and a personal crony of the President's. Did you know that I have never seen him socially?

DEAN: Is that correct? No, I didn't.

PRESIDENT: He's -- I think he's been to a couple of White House -- but I have never seen Pat Gray separately.

DEAN: Oh, the press has got him meeting you at a social function. And, and, uh, going on from there.

PRESIDENT: When?

DEAN: Back in '47, I think, is something I have read.

PRESIDENT: Maybe Radford had a party or something.

DEAN: Something like that.

PRESIDENT: Something like that. But that's all. Uh, well that's -- I don't know. Gray is, uh, is somebody that I, that I know only as a -- He was a, he was Radford's Assistant, used to attend NSC meetings.

DEAN: Uh huh.

PRESIDENT: So I've met him. He's never been social. Edgar Hoover, on the other hand, I have seen socially at least a hundred times. He and I were very close friends.

DEAN: That's curious, the way the press just --

PRESIDENT: But John -- and that's the point: Hoover was my crony and friend. He was as close or closer to me than Johnson, actually, although Johnson used him more. But as for Pat Gray, Christ, I never saw him.

DEAN: While it might have been, uh, a lot of blue chips to the late Director, I think we would have been a lot better off during this whole Wagergate thing if he'd been alive, 'cause he knew how to handle that Bureau,

PRESIDENT: Oh.

DEAN: knew how to keep them in bounds, uh -- was a tough cookie.

PRESIDENT: Well, if, if Hoover ever fought -- He would have fought, that's the point. He'd have fired a few people, or he'd have scared them to death. He's got files on everybody, God damn it.

DEAN: [Laughs] That's right.

PRESIDENT: But now, at the present time, the Bureau is leaking like a sieve, and, uh, Baker, and, and -- Gray denies it. Just says it's not coming from the Bureau. Just who in the hell is it coming from? How in the hell could it be coming from anybody else? It isn't coming from Henry Petersen, is it?

DEAN: No. I just would not --

PRESIDENT: It isn't coming from the depositions, is it?

DEAN: No. It's that, well, they're getting, they're getting raw data. They're getting the raw, what they call, 302 forms.

PRESIDENT: Yeah.

DEAN: Those are the summaries of the interviews.

PRESIDENT: Yeah. Yeah. Well, [coughs] if you could do -- handle it that way, I think that's the best thing to do. Do you ever wonder, really, if Colson, who's got the brass, the balls of a brass monkey, shouldn't bring a suit. Now, then, uh, understand, that I know that Colson, Colson's got a lot of vulnerabilities.

Uh, you know, in terms of people that he knew, and so forth and so on. It's certainly an issue. But I mean on a narrow issue --

DEAN: Well, Chuck and I talked about this.

PRESIDENT: He could win it.

DEAN: He, he could possibly win the suit, but, uh, lose the war, for this reason:

PRESIDENT: [Unintelligible]

DEAN: A counter-discovery in a libel action has no bounds.

PRESIDENT: I get it. Okay.

DEAN: The subject is wide open.

PRESIDENT: [Unintelligible]

DEAN: That's the problem there.

PRESIDENT: That's the District Code in the Federal Court?

DEAN: That's right. They could just come in and, and depose him on everything he's done at any point in time, and that does it.

PRESIDENT: Keep him out of it. Keep him out of it.

DEAN: Right.

PRESIDENT: Why doesn't Stans be the suer? He is the suer, anyway.

DEAN: He's got a good one, and, uh, uh, he may well prevail.
Way -- It may well be the device to force a settlement
of all these other suits we've got out there. You know,
we've got fourteen million dollars worth of suits against
us, and we've got seven or s--, or ten against them.

PRESIDENT: Christ, they all ought to get together and drop them.

DEAN: That's what we're trying to get accomplished.

PRESIDENT: Hell, yes.

DEAN: They're just costing, they're, they're causing everybody
problems, and, uh --

PRESIDENT: That's right, that's right -- and they've got problems,
and we've got them.

DEAN: Uh --

PRESIDENT: So, you see this Vesco thing coming up burns my tail,
'cause I, I raised hell with Haldeman on this and he
didn't do anything about it. Well, I guess he couldn't.
What in the name of God ever became of our investigation
of their financial activities? Jesus Christ, they borrowed
-- they cancelled debts, they borrowed money. What the
hell is that?

DEAN: It's, uh, it's still going on, Mr. President. They're -- look -- McGovern's stuff is in such bad shape. That's another unfortunate thing. The GAO comes in to audit us.

PRESIDENT: Yeah.

DEAN: They, they, they find all the documents, so they are able to make --

PRESIDENT: [Unintelligible] GAO say that.

DEAN: They -- Well, they have now, but it, you know, gets about that much

PRESIDENT: Yeah.

DEAN: coverage in the paper. They can't even figure out what McGovern's done, the books are in such a mess, but you haven't seen them say anything yet. And that's one of those things that, hopefully, we'll, uh --

PRESIDENT: Bring out in the hearings.

DEAN: Bring out as to what a mess this was, and, and --

PRESIDENT: How are you going to bring it out? You can't bring it out in these hearings,

DEAN: Well I think, I think --

PRESIDENT: Ervin'll rule it out.

DEAN: I think an independent sort of media type will bring it out, uh. Chuck is going to be of aid when he is out there not connected with the White House.

PRESIDENT: Yeah.

DEAN: Little bits of tidbits can be dropped to Chuck, 'cause Chuck'll still have his channels to

PRESIDENT: Sure.

DEAN: push things out.

PRESIDENT: Sure. That's what -- In my view, I have use -- Of course it's hard for him to leave because he loves the action and the rest. But apart from the financial part of it, at his age, and so forth -- which everybody has to think of -- Colson can be more valuable out than in, because, basically in, he just reached the point where he was, uh, he was too visible.

DEAN: He is a lightning rod.

PRESIDENT: And, uh, and outside, I mean, he can start this and that and tell them, "I'm a private citizen and I'm saying what I God damn please." Right?

DEAN: That's right. That's absolutely right. I think Chuck can be of great aid in this thing, and I think he'll, uh, he'll do it.

PRESIDENT: Now, on the other thing, that is, to recap: You will talk to, uh, Timmons about the Baker thing. Get that -- get him tied down to the extent he can. I doubt if much could be done there. You must talk to Kleindienst, fast, so that Kleindienst knows that it's been decided, and that's it. And, he'll say, "Well, they won't take it." [Unintelligible]. That's all right. That's what it is, you know. Go on to the written interrogatory thing. We shall see. Your, your view would be not to give any further ground on that?

DEAN: I'd say hold -- You know, you, you, you initially hold the line as far as you go if it becomes apparent that it's necessary for informational purposes.

PRESIDENT: When the main, the main thing is not to --

DEAN: I mean, the President, the President's not going to hide any information. He's --

PRESIDENT: Huh?

DEAN: You're not going to hide any information.

PRESIDENT: Yeah.

DEAN: Then this can be given in a sworn statement, uh, through, uh, an interrogatory -- send your questions down, they'll be answered. We won't hide the information. We won't, uh, change the, uh, the nature of the ability of the President to make decisions, to operate internally and the like,

PRESIDENT: Yeah.

DEAN: because you have a political circus going.

PRESIDENT: Okay. I understand you, you -- that Mollenhoff still thinks everybody should go up and testify.

DEAN: That's right.

PRESIDENT: Uh, but at least you had a talk with him. I do want you to look into the case, though.

DEAN: Yes, sir, I am.

PRESIDENT: If the guy's got a bad rap, uh, his, his man, God damn it, we'll get him out of it.

DEAN: I am doing that. I talked to Clark, uh,

PRESIDENT: Yeah.

DEAN: yesterday. Uh, I talked to him last night again.

PRESIDENT: Yeah. Okay.

DEAN: And, I -- he's on this as hot and heavy as can be and --

PRESIDENT: Well, does he think he's got a bad rap?

DEAN: He does -- he thinks he's got a bad rap. And I, you know --

PRESIDENT: Maybe he has.

DEAN: It's a very funny --

PRESIDENT: I know Rule doesn't have a bad rap. That much -- which, uh, by, when, when Rule, Rule, Rule, uh, because when, when a, when a bureaucrat takes it upon himself to go out and, and go way beyond the pale in terms of attacking an Administration like he did, that can't be tolerated. That -- He, he -- you've got to --

DEAN: It's a different --

PRESIDENT: Suppose a Congressman or a Senator or one of his Administrative Assistants went out and attacked one of his contributors. What the hell would he do? Fire him. That's right.

DEAN: Right.

PRESIDENT: No -- I noticed several of our Congressmen and brave Republican Senators called upon us to reinstate Rule. Congress is, of course, on its, its -- It can -- I guess they are so enormously frustrated that they're irrelevant. Isn't that the point? That's their problem.

DEAN: I think, I think there's a lot of that.

PRESIDENT: It's too bad we can take no comfort -- we can take very little comfort from this; we have to work with them. But they become irrelevant because they're so damned irresponsible. Much as we would like that it would be otherwise. Pretty sad lot, isn't it?

DEAN: It is. Yes, sir. I spent some years on the Hill myself and one of the things I always noticed was the inability of the, of the Congress to, to deal effectively with the Executive Branch because (1) they don't -- they've never supplied themselves with adequate staffs, in other words, had adequate information available, uh --

PRESIDENT: Well now they've got huge staffs, though, compared to what we had, you see.

DEAN: Well they've got huge staffs, uh, true, as opposed to what they had years ago.

PRESIDENT: [Unintelligible]

DEAN: But they are still

PRESIDENT: -- inadequate.

DEAN: inadequate to deal effectively --

PRESIDENT: God, don't, don't, don't [coughs], don't get into --
Please don't try [unintelligible]

DEAN: No, no, I'm not suggesting that -- I keep, uh, I reserve
my,

PRESIDENT: Yeah.

DEAN: my observations for myself. Well, I think this, these
hearings are going to be hot, and I think they are going
to be tough. Uh, I think they are going to be gory in some
regards, but I'm also convinced that if everyone pulls
their own oar in this thing, in -- all those we've got
with various concerns, that we can make it through these,
and minimal people will be hurt. And they may even
paint themselves as being such partisans and off base,
that they are really damaging the institutions of govern-
ment themselves, and --

PRESIDENT: [Coughs] I frankly would say that I perhaps rather that they
be partisan -- that they get to be partisan.

DEAN: I, we're going to hope they, uh --

PRESIDENT: I, I'd rather have that, rather than for them to have the facade of fairness and all the rest, and then come out -- 'cause Ervin, in spite of all this business about his being a great Constitutional lawyer -- Christ, he's got, he's got Baker totally buffaloed on that. I mean, Ervin is as partisan as most of our Southern gentlemen are. They, they, they are great politicians. They're just more clever than the minority. Just more clever.

DEAN: Well, I'm, I'm convinced it may be shown that he is merely a puppet for Kennedy in this whole thing.

PRESIDENT: Kennedy.

DEAN: For Kennedy. The fine hand of the Kennedys is behind this whole hearing that's going on -- or that is forthcoming. There is no doubt about it. When, when they considered the resolutions on the floor of the Senate I got the Record out to read it. Who asked special permission to have their staff man on the floor? Kennedy

PRESIDENT: Right.

DEAN: brings this man Flug out on the floor when they're debating a resolution. He is the only one that did this.

Uh, it's been Kennedy's push, quietly, his constant investigation, his committee using their subpoenas to get at Kalmbach, uh, and all these people,

PRESIDENT: Uh huh.

DEAN: that's kept the quiet and constant pressure on the thing. I think this fellow Sam Dash, who has been selected Counsel, is a Kennedy choice. I think it's also something we'll be able to quietly and slowly document. People will print it in the press, and, uh,

PRESIDENT: Um huh.

DEAN: the partisan cast of this will become much more apparent.

PRESIDENT: Yeah, I guess the Kennedy crowd is just laying in the bushes waiting to make their move. Boy, it's a shocking thing. You know, we, we talk about Johnson using the FBI. Did your friends tell you, did your friends tell you whether -- what Bobby did, or whether he [unintelligible]?

DEAN: I, I haven't heard but I wouldn't --

PRESIDENT: Johnson believes that Bobby bugged him.

DEAN: That wouldn't surprise me, uh --

PRESIDENT: Bobby was a ruthless little bastard. But the FBI does -- they, they tell you that, uh, Sullivan told you that, the New Jersey thing? We did use a bug up there -- just for intelligence work.

DEAN: Intelligence work -- just had agents all over [unintelligible]

PRESIDENT: Frankly, the doctors say that the poor old gent had a tumor.

DEAN: That's right.

PRESIDENT: The FBI [unintelligible]

DEAN: Well, uh, he used Abe Fortas and Deke DeLoach backed up by, uh, some other people in the Bureau that were standing ready to go out and try to talk this doctor into examining Walter Jenkins to say the man had a brain tumor. He was very ill, that's why the erratic behavior. And this doctor, uh, wouldn't buy it.

PRESIDENT: The doctor had never examined him before or anything.

DEAN: No.

PRESIDENT: They were trying to set that up though, huh.

DEAN: Oh, yeah, that would've --

PRESIDENT: What other kind of activities?

DEAN: Well, I, you know, as I say, I haven't probed uh, uh,

PRESIDENT: Sullivan.

DEAN: Sullivan to the depths on this because I -- he's, he's
one I want to treat at arm's length, till we make sure

PRESIDENT: Right.

DEAN: he is safe.

PRESIDENT: That's right.

DEAN: But he has a world of information that, uh, may be
available.

PRESIDENT: But he says that what happened on the, on the, uh,
bugging thing is -- who told what to whom again? The
bugging thing?

DEAN: Oh. On the '68 thing -- I was trying to track down the,
the leaks.

PRESIDENT: Yeah.

DEAN: He said that the only place he could figure it coming
from would be one of a couple of sources he was aware
of, uh, that had been somewhat discussed publicly. He
said that Hoover had told Patrick Coyne about the fact
that this was being done. Coyne had told Rockefeller.

PRESIDENT: Yeah [unintelligible]

DEAN: Now Rockefeller has told Kissinger. Now, I have never run it any step beyond what Mr. Sullivan said there. Now, the other thing is that when the records were unavailable for Hoover -- all these logs,

PRESIDENT: Yeah. [Clears throat]

DEAN: Hoover tried to re --, reconstruct them by going to the Washington Field Office and he made a pretty good stir about what he was doing when he was trying to get the record and reconstruct it. And, he said that at that time we probably hit the grapevine in the Bureau that this had occurred. But there is no evidence of it. Uh, the records show at the Department of, of Justice and, and the FBI that there's no such, uh, surveillance was ever conducted. Uh --

PRESIDENT: Shocking [unintelligible]

DEAN: Now, about White House staff and reporters and the like, and, now, the only, the other person that knows -- is aware of it -- is Mark Felt, and we've talked about Mark Felt, and, uh -- I guess, uh --

PRESIDENT: What does it do to him, though? Let's face it. You

know, suppose that Felt comes out and unwraps the whole thing. What does it do to him?

DEAN: He can't do it. It just --

PRESIDENT: But my point is: Who's going to hire him?

DEAN: That's right.

PRESIDENT: Let's face it.

DEAN: He can't. He's --

PRESIDENT: If he -- the guy that does that can go out and, uh, you mean he's a -- of course, he couldn't do it unless he had a guarantee from somebody like Time Magazine saying "Look we'll give you a job for life." Then what do they do? They put him in a job for life, and everybody would treat him like a pariah. He's in a very dangerous situation. These guys you know -- the informers, look what it did to Chambers. Chambers informed because he didn't give a God damn.

DEAN: That's right.

PRESIDENT: But then, one of the most brilliant writers according to Jim [unintelligible] we've ever seen in this country -- and I am not referring to the Communist issue -- this

greatest single guy in the time of -- twenty-five or, thirty years ago, probably, probably the best writer [unintelligible] this century. They finished him.

DEAN: Uh huh. Well, I think, I, there's no --

PRESIDENT: Either way, either way, the, the, the informer is not wanted in our society. Either way, that's the one thing people do sort of line up against. They,

DEAN: That's right.

PRESIDENT: they say, well that son-of-a-bitch informed. I don't want him around. We wouldn't want him around, would we?

DEAN: I don't, uh --

PRESIDENT: Hoover to Coyne to N.R. to K. Right?

DEAN: Right.

PRESIDENT: Good God. Why would Coyne tell Nelson Rockefeller? He was a -- I've known Coyne for years. I've -- not well, but I -- he was a great friend of, oh, uh, one of my Administrative -- Bob, uh, King, who was a Bureau man.

DEAN: Now this is Sullivan's story. I have no --

PRESIDENT: Fine. That's all right.

DEAN: I don't know if it's true, but I don't have any reason to doubt that --

PRESIDENT: Most of this is Gospel. Hoover told me, so, uh -- and he also told Mitchell, personally, that this had happened. [Unintelligible]

DEAN: Are you talking -- I was talking about the '68, uh, incident that just occurred. Not the --

PRESIDENT: I'm talking about the '68 bugging of the plane.

DEAN: Yeah. Oh, I wasn't referring to that now. When this, when this Coyne, to --

PRESIDENT: Oh, oh, that's --

DEAN: This, this was the, this was the fact that newsmen had been uh, I, I -- excuse me, I thought he meant the reference to the fact that, uh,

PRESIDENT: Oh.

DEAN: three years ago the White House had allegedly -- the Time story.

PRESIDENT: Oh, this is a -- That's, that's not the, uh --

DEAN: No, on the, on the '68 incident, uh, all I've been able to find out is what you told me that Hoover had told you, what he'd

PRESIDENT: Yeah.

DEAN: told Mitchell.

PRESIDENT: Yeah.

DEAN: He, uh --

PRESIDENT: Mitchell corroborates that, doesn't he?

DEAN: That's right. Uh, then --

PRESIDENT: Sullivan doesn't remember that?

DEAN: Kevin Phillips called Pat Buchanan the other day with,
with a, with a tidbit that, uh, Dick Whelan on

PRESIDENT: Yeah.

DEAN: the NSC staff had seen memoranda between the NSC and
the FBI that the FBI had been instructed to put surveillance on Anna Chennault, the South Vietnamese Embassy
and

PRESIDENT: That is a --

DEAN: the Agnew plane.

PRESIDENT: Agnew?

DEAN: Agnew plane.

PRESIDENT: They put it on our -- well, this isn't mine -- maybe I'm wrong.

DEAN: Now, and it said al--, and this note also said that, uh, Deke DeLoach was the operative FBI officer on this.

PRESIDENT: I think DeLoach's memory now is very, very hazy in that connection. He doesn't remember anything.

DEAN: Well, I talked to Mitchell about this and Mitchell says that he's talked to DeLoach. DeLoach has in his possession, and he has let Mitchell review them, some of the files on this. Uh --

PRESIDENT: But not, but not --

DEAN: But they don't go very far; they don't go very far -- This, this is DeLoach, uh, protecting his own hide. The, uh --

PRESIDENT: They are never going to -- It's just as well, to be candid with you. Just as well. But, uh -- so Hoover told Coyne, and, uh, and -- who told Rockefeller,

DEAN: -- that this --

PRESIDENT: who told Kissinger that newsmen were being bugged

DEAN: Yeah.

PRESIDENT: by us.

DEAN: That's right.

PRESIDENT: Now why would Hoover do that?

DEAN: I don't have the foggiest. This was Sullivan's story as to where, uh, the leak might have come from about this current Time Magazine story, which we are stonewalling totally, uh --

PRESIDENT: Oh, absolutely.

NOTE: At this point, there was a discussion of one minute and twelve seconds which has been deleted.

[DELETION CONTINUED]

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PRESIDENT: Sure. And the, and the, and the, and Henry's staff --
He insisted on Lake, you see, after working with McGov--,
uh, uh, for Muskie.

DEAN: Um huh.

PRESIDENT: Incidentally, didn't Muskie do anything bad on there?
[Unintelligible] Henry [unintelligible]. At least I know
not because I know that, I know that he asked that it
be done, and I assumed that it was. Lake and Halperin.
They're both bad. But the taps were, too. They never
helped us. Just gobs and gobs of material: gossip
and bull shitting [unintelligible]

DEAN: Um huh.

PRESIDENT: The tapping was a very, very unproductive thing. I've
always known that. At least, I've never, it's never
been useful in any operation I've ever conducted. Well,
is it your view that we should try to get out that '68
story then, if we can?

DEAN: Well, I think the threat,

PRESIDENT: [Unintelligible]

DEAN: the threat of the '68 story when, when Scott and the others were arguing that the Committee up on the Hill broadened its mandate

PRESIDENT: Yeah.

DEAN: to include other elections,

PRESIDENT: Yeah.

DEAN: they were hinting around that something occurred in '68 and '64 that should be looked at.

PRESIDENT: Right. Goldwater claims he was bugged.

DEAN: That's right. Now I think that, I think that, that threats --

PRESIDENT: Did you think Gold -- Oh, you, didn't you say that Johnson did bug Goldwater's --?

DEAN: He, he didn't -- well, I, we don't know, I don't know if he bugged him, but --

PRESIDENT: He did intelligence work?

DEAN: He did intelligence work up one side and down the other --

PRESIDENT: From the FBI?

DEAN: From the FBI. Uh, just up one side and down the other on Goldwater.

PRESIDENT: Um hm.

DEAN: Now I have not had a chance to talk to the Senator, and I've known the Senator for twenty years. Uh, he is the first man in public life I ever met. Uh, Barry Jr. and I were roommates in school together, so I, I, you know, I can talk to the man.

PRESIDENT: Sure.

DEAN: I am really going to sit down with him one day and say,

PRESIDENT: I think you should.

DEAN: say, what,

PRESIDENT: Say, "What the hell do you--"

DEAN: what, what do you --

PRESIDENT: Do you have any hard evidence?

DEAN: That's right. Then we can go from there and

PRESIDENT: Right.

DEAN: possibly reconstruct some things.

PRESIDENT: Get some stuff written, and so forth. I do think you've got to remember that, as you sure do, this is mainly a public relations thing, anyway. What is the situation, incidentally, with regard to the, the sentencing of our, of the people, the seven? When the hell is that going to occur?

DEAN: That's likely to occur, I would say, [sighs] could occur as early as late this week, more likely sometime next week.

PRESIDENT: Why has it been delayed so long?

DEAN: Well, they, they've been in, in process of preparing the pre-sentence report. The Judge sends out probation officers to find out everybody who knew

PRESIDENT: Yeah.

DEAN: these people, and then he'll --

PRESIDENT: He's trying to work on them to break them, is he?
[Unintelligible]

DEAN: Well, there's some of that. They are using the probation officer for more than a normal probation report. They are trying to, uh,

PRESIDENT: Yeah.

DEAN: do a mini-investigation by the Judge himself, which is his only investigative tool here, so, they, that, they are virtually completed now. They -- the U. S. Attorney who handles, the, the Assistant U. S. Attorney.

PRESIDENT: You know when they talk, though, about a thirty-five year sentence, now here's, here's something that does not involve -- There were no weapons, right? There were no injuries, right? There was no succe--, well, success maybe -- I don't know. The point is -- the, uh -- that, that sort of thing is just ridiculous. One of these, one of these blacks, you know, goes in here and holds up a, a store with a God damned gun, and, uh, they give him two years and then probation after

DEAN: And they --

PRESIDENT: six months.

DEAN: And they let him out on, on bond during the time that he is considering his case. These fellows cannot get out --

PRESIDENT: Are they out? Have they been in jail?

DEAN: They're in -- well, all but one. Hunt made the, the bond. Everybody else is in jail. They've got a hundred-thousand dollar surety bond which means they have to put up actual collateral, and none of these people have a hundred-thousand dollars. The Court of Appeals has been sitting for two weeks or better now on a review of the bond issue. They're not even letting these people out to prepare their case for appeal.

NOTE: At this point, there was a discussion of about fifteen minutes which has been deleted.

PRESIDENT: You still think Sullivan is basically reliable?

DEAN: I, I have nothing to judge

PRESIDENT: No.

DEAN: that on other -- I watched him for a number of years. I watched him when he was working with Tom Huston on domestic intelligence, and his, in his desire to do the right thing. Uh, I tried to, you know, stay in touch with Bill, and find out what his moods are. Bill was forced on the outside for a long time. He didn't

become, he didn't become bitter. He sat back and waited until he could come back in. Uh, he didn't try to force or blackmail his way around, uh, with knowledge he had. So, I, I have, I have no signs of anything but a reliable man who thinks a great deal of this Administration and of, and of you.

PRESIDENT: You understand the problem we have here is that Gray is going to insist, I am sure, come down hard for Felt as the second man. And that would worry the hell out of me if Felt -- I think at the present time it doesn't.

DEAN: It, it worries me, frankly.

PRESIDENT: But for the future isn't it a problem?

DEAN: I think it is for the future, 'cause onl -- things can only get more complex over there as we move along. There is no [laughs] doubt about it.

PRESIDENT: Well, as he gets closer to the next election -- Oh, uh, [unintelligible]. I don't know Felt, never met him. What's he look like?

NOTE: At this point, there was a discussion of one minute and
 sixteen seconds which has been deleted.

[DELETION CONTINUED]

DEAN: Well, I have got to say one thing. There has never been a leak out of my [laughs] office. There never will

PRESIDENT: Yeah.

DEAN: be a leak out of my office.

PRESIDENT: No.

DEAN: I wouldn't begin to know how to leak, even. I don't want to learn how you leak.

PRESIDENT: Well, it was a shocking thing. I was reading a book last night on -- Quite a fascinating little book, not well written, by Malcolm Smith, Jr. on Kennedy's

thirteen mistakes [unintelligible] foreign policy. They are great mistakes, and one of them had to do with the Bay of Pigs thing. And, what had happened there was, uh, Chester Bowles had learned about it, and he deliberately leaked it. Deliberately, because he wanted the operation to fail.

DEAN: Hm.

PRESIDENT: And admitted it later.

DEAN: Interesting.

PRESIDENT: Admitted it.

DEAN: Interesting.

PRESIDENT: This happens all the time. Well, you can, uh, follow these characters to the, to their Gethsemane. I, I feel for those poor guys in jail, I mean, I don't know -- particularly for Hunt. Hunt with his wife, uh, dead. It's a tough thing.

DEAN: Well,

PRESIDENT: We have to do [unintelligible]

DEAN: every indication

PRESIDENT: You will have to do --

DEAN: that they're, they're hanging in tough right now.

PRESIDENT: What the hell do they expect, though? Do they expect that they will get clemency within a reasonable time?

DEAN: I think they do. [Unintelligible] going to do.

PRESIDENT: What would you say? What would you advise on that?

DEAN: Uh, I think it's one of those things we'll have to watch very closely. For example --

PRESIDENT: You couldn't do it, you couldn't do it, say, in six months?

DEAN: No.

PRESIDENT: No.

DEAN: No, you couldn't. This thing may become so political as a result of these

PRESIDENT: Yeah.

DEAN: hearings that it is, it, it, is more --

PRESIDENT: A vendetta?

DEAN: Yeah, it's a vendetta. This judge may, may go off the deep end in sentencing, and make it so absurd that, uh, it's clearly an injustice, uh --

PRESIDENT: Yeah.

DEAN: That they have been heavily --

PRESIDENT: Are they going to feel -- Uh, is there any kind of appeals left?

DEAN: Right. Liddy, Liddy and McCord, who sat through the trial, will both be on appeal.

PRESIDENT: Uh huh.

DEAN: And, uh, there is no telling how long that will last. I think this is one of the, one of these things we'll just have to watch.

PRESIDENT: My view is: say nothing about the event on the ground that the matter is still in the courts and on appeal.

DEAN: That's right.

PRESIDENT: That's my position. Second, my view is to say nothing about the hearings at this point, except that "I trust that they will be conducted in the proper way," and,

"I will not comment on the hearings while they are in process." [Unintelligible]. And then I, of course if they break through -- if they get a lot luckier -- But you see, it's best not to cultivate -- and I get Ziegler to do the same -- it's best not to elevate that thing here to the White House. 'Cause I don't want the White House gabbing around about the God damned thing. Now there, of course, you'd say, "But you leave it all to them."

[High frequency tone for four seconds.]

PRESIDENT: our policy. But the President should not become [unintelligible] on this case. Do you agree to that?

DEAN: I agree totally, sir. Absolutely. Now, that doesn't mean that quietly we're not going to be working around the [unintelligible]. But, uh, you can rest assured that, uh, we're not going to be sitting quietly.

PRESIDENT: I don't know what we can do. The people that are most disturbed about this [unintelligible] now are the God damned Republicans. A lot of these Congressmen, financial contributors, and so forth are highly moral. The Democrats are just sort of saying, "Oh, Christ, fun and games. Fun and games."

DEAN: Well, hopefully we can --

PRESIDENT: Take that Segretti thing: Ha, Jesus Christ. He was sort of a clownish figure, I don't see how our boys [laughs], could have gone for him. But nevertheless, they did. It was, it was really -- shall we say, juvenile, the way that was handled. But nevertheless, what the hell did he do? What in the name of God did he do? Should, shouldn't we get, be trying to get intelligence? Weren't they trying to get intelligence from us?

DEAN: Absolutely.

PRESIDENT: Don't we try to get schedules? Don't you try to disrupt their meetings? Didn't they try to disrupt ours? Christ, they threw rocks, ran demonstrations, and shouted, cut the public address system, they had to tear gas them in Miami. What the hell was that all about?

DEAN: Well --

PRESIDENT: Did we do that?

DEAN: McGovern had Dick Tuck on his payroll, uh, and Dick Tuck was down in Texas when you went down to the Connally ranch, set up to do a prank down there.

PRESIDENT: That's right.

DEAN: But it never came off, uh --

PRESIDENT: What did, what, what did, what, what did Segretti do that came off? Much? I mean --

DEAN: He, he, he did some, some humorous things. He --

PRESIDENT: Yeah.

DEAN: For example, there'd be a fund raising dinner, and he had hired Wayne the Wizard to fly in from the Virgin Islands to perform a magic show, and, of course, he hadn't been hired. He sent uh,

PRESIDENT: Yeah.

DEAN: he sent invitations to all these black diplomats and,

PRESIDENT: Yeah.

DEAN: and sent limousines out to have them picked up, uh, and they all showed up and they hadn't been invited. He had four hundred pizzas sent to another, uh --

PRESIDENT: Yeah, sure, sure.

DEAN: I mean this is, this is --

PRESIDENT: Well, what the hell.

DEAN: Pranks.

PRESIDENT: Tuck do all this sort of thing?

DEAN: And so, so --

PRESIDENT: They did it to me in '62, in 1960, and the rest -- they want to say, "Well, now, that's terrible. Now isn't that terrible?" What the hell.

DEAN: I think we can keep this, uh, the Segretti stuff in perspective because it's not that bad. Chapin's involvement is not that deep. Uh, he was a catalyst, and that's about the extent of it.

PRESIDENT: Sure, he, he knew him and recommended him.

DEAN: That's right.

PRESIDENT: But he didn't run him. He was too busy with us.

DEAN: The one I think they are going to go after, uh, with a vengeance, and who I plan to spend a great deal of time with next week, a couple of days, as a matter of fact, getting this all in order -- is Herb Kalmbach.

PRESIDENT: Yes.

DEAN: Uh, Herb has got -- they've subpoenaed his records, and he's got records that run all over hell's acre on things for the last few years, uh. You know Herb has been a man who's been moving things around for Maury and keeping things in,

PRESIDENT: Right.

DEAN: in tow and taking care of little polling inferences.

PRESIDENT: What'll he do about those records? Is he going to give 'em all to them?

DEAN: Well, he's, he -- they brought his -- they, they've gotten to the banks that had them, and I think what we will do is we'll -- there'll be a logical, natural explanation for every single transaction.

PRESIDENT: Right.

DEAN: It's just a lot of minutia we've got to go through but we -- he's coming in next week and we -- I told him we'd sit down and he is preparing everything, getting all that's available, and we're going to sit down with his, with Frank DeMarco, uh, and see if we can't get this whole thing --

PRESIDENT: Now, his records, that is, with regards to the campaign. They can't re --, they can't get his records with regard to his private transactions?

DEAN: No, none of the private transactions. Absolutely -- that is privileged material.

PRESIDENT: That's right.

DEAN: Anything to do with San Clemente and, and the like -- that is just so far out of bounds that, uh --

PRESIDENT: Yeah. Did they ask for that?

DEAN: No, no, no. No indication.

PRESIDENT: Good. Oh, well, even if it is, I mean --

DEAN: Well, it's just none of their -- you know, that's really none of their business.

PRESIDENT: They can't get it. Kalmbach is a decent fellow. He'll make a good witness.

DEAN: I think he will. He has been --

PRESIDENT: He is smart.

DEAN: He has been tough thus far. He hasn't -- you know, he

has been taking it. His skin is thick now. Uh, sure it bothered him, and all this press he was getting. The L. A. Times has been running stories on him all the time and,

PRESIDENT: Yeah.

DEAN: and the like. Local stations have been making him more of a personality, and, and, his partners have been nipping at him, but Herb's tough now. He is ready and he's going to go through and he's going to -- He is hunkered down and he's ready to handle it. So I'm not worried

PRESIDENT: Yeah.

DEAN: about Herb at all.

PRESIDENT: Oh well, it, it'll be hard for him, he -- 'cause it'll, it'll get out about Hunt. It, it -- I suppose the big thing is the financing transaction they'll go after. How did the money get to the Bank of Mexico, and so forth and so on.

DEAN: All that stuff. And then --

PRESIDENT: What'll he say?

DEAN: It can all be explained.

PRESIDENT: It can?

DEAN: Yes, indeed. Yes, sir. They are going to be disappointed with a lot of the answers they get,

PRESIDENT: Yeah.

DEAN: when they actually get the facts -- because the Times and the Post had such fun with innuendo. When they get the facts, they are going to be disappointed.

PRESIDENT: The one point that you ought to, you better get to Baker. I tried to get it through his thick skull. I guess it's -- his skull is not thick -- but tell, tell Kleindienst that Kleindienst in talking to Baker and Ervin should emphasize that the way to have a successful hearing and a fair one is to run it like a court: no hearsay, no innuendo. Now you know God damned well they aren't going to --

DEAN: But, that's a hell of a good point.

PRESIDENT: But don't -- no hearsay. Tell them that's the way Nixon ran the Hiss case. Now, as a matter of fact some innuendo came out, but there was God damned little hearsay. We

really -- we, we just got them on the facts, and just tore them to pieces.

DEAN: That's right.

PRESIDENT: Say "No hearsay; no innuendo." And that, that he, Ervin, should sit like a court there, say, "Now that's hearsay and I don't like it." And tell him that the -- and that -- and let's have the counsel, the counsel for the, uh, for our people -- he gets up there and says, "I object to that, Mr. Chairman, on the basis that it is hearsay."

DEAN: That's an excellent idea, Mr. President, for some of these early articles, as this thing gets steamed up: "Will, will Sam Ervin, Constitutional man, be a judge? Will he admit hearsay?" We can probably get some think pieces out, uh, uh, to get a little pressure on him to perform that way, or to, to make it look very partisan when he doesn't, you know, he lets all this in --

PRESIDENT: I'd like to get some articles out that -- no hearsay, no innuendo. There'll be no hearsay, no innuendo. This, this is going to be, shall we say, a model of a Congressional hearing. A model. Now that'll disappoint the God damned press. There's no hearsay, no innuendo, no leaks.

DEAN: Well, uh, there, there are a lot of precedents. I, I've been involved in two Congressional investigations. Uh, one was the Adam Clayton Powell investigation when I was working over there as the Minority Counsel of the House Judiciary. We didn't take hearsay. We made a -- we stuck to the facts on that.

PRESIDENT: Uh huh.

DEAN: We did an investigation of the Oklahoma judges. Again, the same sort of thing. We went into executive session when necessary to, uh -- I bet w--, we look around, we'll find respectable investigations that have been conducted up there that could be held up, and some of this should be, uh, should be coming forth to set the uh,

PRESIDENT: Yeah.

DEAN: the

PRESIDENT: Yeah.

DEAN: stage for these hearings. Well, I'm, uh, I, I'm planning a number of brain sessions to -- with some of these media people to, to --

PRESIDENT: I know. Well, it's, it's very important, and it seems

like a terrible waste of, of your time. [Unintelligible]. It's, it's important in the sense that, it's -- all this business is a battle and they're, they're going to wage the battle. And, uh, a lot of it is their enormous frustration about losing the elections, the state of their party, and so forth. And their party has its problems. We think we've got problems. Look at some of theirs. Strauss is there to pull them all together. He's not doing all that well you know.

DEAN: Well, I was, you know, we've gone a long road on this thing now. I had thought it was an impossible task, uh, to hold together until after the election until things just

PRESIDENT: Yeah.

DEAN: started squirting out, but we've made it this far, and, uh, I'm convinced we're going to make it the whole road and put this thing in, in, in, uh, the funny pages of the, of the history books rather than anything serious. We've got to. It's got to be that way.

PRESIDENT: Would it -- it'll be somewhat serious, but the main thing, of course, is also the, the isolation of the President from this.

DEAN: Absolutely.

PRESIDENT: Because it's, because that, fortunately, is totally true.

DEAN: I know that sir.

PRESIDENT: Good God almighty. I mean, of course, I'm not dumb, and I will never forget when I heard about this God damned thing [unintelligible] Jesus Christ, what in the hell is this? What's the matter with these people? Are they crazy? I thought they were nuts. You know, that it was a prank. But it wasn't. It was really something. I think that our Democratic friends know that's true, too. They know what the hell

DEAN: I think they do too.

PRESIDENT: this was. I mean they know that we then wouldn't be involved in such -- they'd think others were capable of it, however. I think -- and they are correct: They think Colson would do anything. [Laughs] Well, anyway, have a little fun.

DEAN: All right.

PRESIDENT: And now, I will not talk to you again until you have something to report to me.

DEAN: All right sir.

PRESIDENT: Uh, but I think it's very important that you have these

talks with, uh, our good friend Kleindienst.

DEAN: That'll be done.

PRESIDENT: Give him that together thing, work it out. We have to work together on this thing. He's the man -- I'd build him up -- that he's the man who can make the difference. Also point out to him that the fish they're really after -- Tell him, look, for Christ sakes, Colson's got brass balls and so forth, but

DEAN: All right.

PRESIDENT: the idea that's really, really to be slugged here is -- let's forget this, remember, this was not done by the White House. This was done by the Committee to Re-Elect, and Mitchell was the Chairman, correct?

DEAN: That's correct. And that means that --

PRESIDENT: So, and Mitchell -- and Kleindienst owes Mitchell everything. Mitchell wanted him for Attorney General, he wanted him for Deputy, and here he is. Now, God damn it, Baker's got to realize this, and that if he allows this thing to get out he's going to potentially ruin John Mitchell. He won't. I mean Mitchell won't allow himself to be ruined. He's too clever. He'll put on

his big stone face act, but -- I hope to Christ he does. The point is that, as you well know, uh, that's the fish they are after.

DEAN: That's right.

PRESIDENT: Well, no, the Committee is after somebody at the White House. They, they, they'd like to get Haldeman or Colson, Ehrlichman. They, they've got --

DEAN: Or possibly Dean. You know, who, you know, who's, huh -- anybody they can -- I'm a small fish, but --

PRESIDENT: Anybody at the White House they would, but in your case I think they realize you are the lawyer and they know you didn't have a God damned thing to do with, with the campaign.

DEAN: That's right.

PRESIDENT: That's what I think. Well, we'll see.

DEAN: All right sir.

PRESIDENT: Good luck.

DEAN: Thank you.

